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ABSTRACT

The materials contained in this handbook provide one framework for organizing a self-evaluation under Title IX. Local education agencies will need to review and adapt these materials for effective use in the context of particular situations and needs. Separate chapters are presented on: access to general courses; access to physical education courses; access to vocational education courses; counseling; treatment of students; student marital or parental status; athletics; financial assistance; employment; and planning, conducting, and reporting an institutional self-evaluation. (LBH)

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COMPLYING WITH TITLE IX

IMPLEMENTING INSTITUTIONAL SELF-EVALUATION

U.S. Department of Health, Education, and Welfare

Office of Education

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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COMPLYING WITH TITLE IX: IMPLEMENTING INSTITUTIONAL SELF-EVALUATION

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COMPLYING WITH TITLE IX: IMPLEMENTING INSTITUTIONAL SELF-EVALUATION

Title IX of the Education Amendments of 1972 states that:

> *No person shall, ...on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.*

The Regulation to implement Title IX became effective July 21, 1975; it establishes the criteria to which education institutions or agencies receiving Federal funds must adhere in eliminating sex discrimination from their education programs and their employment policies and practices. The provisions of the Regulation may be organized into four major subject categories:

- general requirements for achieving compliance;
- requirements for nondiscrimination in student admissions and recruitment;
- requirements for nondiscrimination in student programs;
- requirements for nondiscrimination in employment.

The provisions outlining general requirements for achieving compliance are a unique aspect of the Title IX Regulation. They specify five tasks which must be completed by institutions of higher education and local education agencies receiving Federal funds within the first twelve months of the effective date of the Regulation. These tasks include:

- notification of policy of nondiscrimination on the basis of sex and compliance with Title IX;
- designation of an employee(s) responsible for coordinating compliance efforts;
- development and implementation of a grievance procedure(s) for handling student and employee complaints alleging violations of Title IX;
- implementation of an institutional self-evaluation to assess institutional or agency policies and practices for compliance with Regulation requirements and modify them where necessary to ensure compliance;
- submission of assurances of compliance with every application for Federal financial assistance.

This handbook focuses upon the fourth task; it is designed to assist local education agencies in conducting an effective institutional self-evaluation to ensure compliance with the requirements of the Title IX Regulation in all agency policies and practices. (A companion handbook,

Complying With Title IX: The First Twelve Months provides additional assistance for the fulfillment of the other four general requirements.)

The Title IX Regulation, §86.3, requires that by July 21, 1976, every education institution or agency meeting Federal funds must complete a self-evaluation of its compliance with Title IX:

> *(c) Self-evaluation. Each recipient education institution shall, within one year of the effective date of this Part:*
>
> *(i) evaluate, in terms of the requirements of this Part, its current policies and practices and the effects thereof concerning admission of students, treatment of students, and employment of both academic and nonacademic personnel working in connection with the recipient's education program or activity;*
>
> *(ii) modify any of these policies and practices which do not or may not meet the requirements of this Part; and*
>
> *(iii) take appropriate remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to these policies and practices.*
>
> *(d) Availability of self-evaluation and related materials. Recipients shall maintain on file for at least three years following completion of the evaluation required under paragraph (c) of this section, and shall provide to the Director upon request, a description of any modification made pursuant to subparagraph (c)(ii) and of any remedial steps taken pursuant to subparagraph (c)(iii).*

This handbook has been developed to facilitate such self-evaluation by local education agencies. (Although State education agencies and postsecondary institutions must also conduct self-evaluations, this handbook is not designed for their institutional needs.)

The Contents of This Handbook

This handbook focuses upon those provisions of the Title IX Regulation which most directly affect local education agencies. It suggests information, criteria, and procedures for implementing an institutional self-evaluation in the following areas:

- access to courses–general;
- access to courses–physical education;
- access to courses–vocational education (this section includes consideration of requirements for nondiscrimination in admissions to vocational schools operated by local education agencies);
- counseling;
- the treatment of students (requirements for nondiscrimination in such areas as insurance benefits, health services, employment assistance, honors and awards, extracurricular activities, behavior codes, and dress codes are addressed in this section of the handbook);

- student marital and parental status;
- athletics;
- financial assistance;
- employment.

(Local education agencies are reminded that, although non-vocational elementary and secondary schools are exempted from coverage of the admissions provisions of the Regulation (Subpart C), all are covered by the provisions pertaining to student programs (Subpart D) and employment (Subpart E).)

Two provisions of the Regulation omitted from the above areas are of importance to local education agencies: §86.35(b), which deals with access to all schools operated by local education agencies, and §86.14, which pertains to membership practices of certain organizations. Although these provisions have been omitted from the self-evaluation sections of this document because they do not require the in-depth consideration necessitated by the subjects of these sections, they will be discussed briefly here.

§86.35(b) of the Regulation requires that:

> *A recipient which is a local education agency shall not, on the basis of sex, exclude any person from admission to. . .any other school or educational unit operated by such recipient, unless such recipient otherwise makes available to such person, pursuant to the same policies and criteria of admission, courses, services, and facilities comparable to each course, service, and facility offered in or through such schools.*

To comply with Title IX, any local education agency which maintains sex-separated elementary, intermediate or secondary schools must ensure that such schools are comparable for males and females.* Local education agencies should review budget allocations, staff allocations, admissions criteria, curriculum offerings, extracurricular programs, and student policies and services and modify these wherever necessary to ensure comparability and compliance with Title IX.

§86.14 pertains to the membership practices of certain organizations:

> *(b) YMCA, YWCA, Girl Scouts, Boy Scouts and Camp Fire Girls. This Part does not apply to the membership practices of the Young Men's Christian Association, the Young Women's Christian Association, the Girl Scouts, the Boy Scouts and Camp Fire Girls.*
>
> *(c) Voluntary youth service organizations. This Part does not apply to the membership practices of voluntary youth service organizations which are exempt from taxation under Section 501(a) of the Internal Revenue Code of 1954 and the membership of which has been traditionally limited to members of one sex and principally to persons of less than nineteen years of age.*

Local education agencies may therefore provide assistance to these organizations in making benefits or services available to students. This will be of significance in assessing nondiscrimination in agency extracurricular programs.

Provisions of the Title IX Regulation which deal with assistance administered by a recipient education institution to study at a foreign institution (§86.31(c)), and with housing (§86.32)

* Sex segregation is permissible only in non-vocational schools; vocational schools may not be sex segregated. See page 29.

have been omitted from this handbook as of little relevance to the practices of most local education agencies.

The Organization of This Handbook

The pages that follow are organized into sections corresponding to the self-evaluation areas listed previously. Each of these sections is composed of four parts:

- The Regulation. This part contains an italicized verbatim citation of those portions of the Regulation relevant to the area to be evaluated.
- The Issue. Background information relevant to the area is summarized in this part, as are the likely implications of the Regulation requirements for education agency policies and practices.
- Self-Evaluation: An Outline. It is this part or subsection which contains the most specific and substantive suggestions for self-evaluation. For each area, it identifies existing policy, procedural, or descriptive materials for review; it suggests data to be collected to facilitate assessment of the administration or effects of relevant policies and procedures; and it delineates questions which must be answered in evaluating agency compliance with the requirements of the Title IX Regulation.
- Self-Evaluation: Action Checklists. These checklists suggest general action steps that should be taken in implementing, coordinating, and monitoring an institutional self-evaluation. These checklists are provided for the central administrative, building administrative and building staff levels; they reflect a general outline for a distribution of evaluation/modification tasks which might be adapted to various education agency organizational structures. These checklists *do not* contain substantive compliance evaluation criteria for identifying sex discrimination and Title IX infringements. These are provided in the preceding "Outline" sections. The checklists are procedural only.

Following these sections on self-evaluation areas is a concluding section on "Planning, Conducting and Reporting an Institutional Self-Evaluation." It contains general suggestions on the planning and implementation of the self-evaluation process as well as several forms which may be used for recordkeeping and reporting.

How to Use the Materials

The materials contained in this handbook provide one framework for organizing a self-evaluation under Title IX. Local education agencies will need to review and adapt these materials for effective use in the context of particular situations and needs.

The most useful first step in utilizing the materials will be a review of the entire document by key staff members at the central administrative level. The Title IX coordinator(s) of the agency may wish to perform such a review to determine the general scope of the self-evaluation process required.

After completion of an overall review, the Title IX coordinator(s) may wish to delegate responsibility for coordinating the various components of the evaluation process to those administrative staff members with direct responsibility, authority and knowledge in each area.

In planning and implementing the various evaluations necessary, the Title IX coordinator or responsible staff members will need to review the self-evaluation outlines and checklists provided and adapt their content to particular agency programs, procedures, and organizational structures.

In many agencies, it may be possible to reproduce sections of these materials, in whole or in part, and disseminate them to staff to facilitate compliance and evaluation. The portions of each section dealing with the Regulation, the issue, and the self-evaluation might be distributed to all relevant staff, along with the particular action checklist appropriate to that staff member's position in the agency (central office administrator, building administrator, or building staff member). The distribution of tasks and responsibilities across administrative levels will differ from agency to agency; the action checklists may be adapted to reflect particular organizational structures.

The checklists contained in this handbook have been specifically designed for use by those persons with responsibilities and authority for ensuring compliance at various levels. In many agencies, however, it may also be important to involve students in the self-evaluation process. The compliance questions contained in each "Outline" section may be adapted into a checklist to allow students to identify areas of noncompliance.

Complying with Title IX: Implementing Institutional Self-Evaluation has been designed to be comprehensive. It is recognized that all the data and procedures suggested will not be necessary in every education agency and selection, adaptation and modification of the materials is important to their effective use. Comprehensive information has been provided, however, to assist education agencies in providing a more equal education for all students, female and male, and protecting themselves, their students and their employees from violations of Title IX, however unintended.

ACCESS TO COURSES–GENERAL

The Regulation

The Title IX Regulation, §86.34, provides that an institution or agency may not:

> *provide any course or otherwise carry out any of its education program or activity separately on the basis of sex, or require or refuse participation therein by any of its students on such basis, including health, physical education, industrial, business, vocational, technical, home economics, music and adult education courses.*

Further, according to §86.36(c):

> *Where a recipient finds that a particular class contains a substantially disproportionate number of individuals of one sex, the recipient shall take such action as is necessary to assure itself that such disproportion is not the result of discrimination on the basis of sex in counseling or appraisal materials or by counselors.*

The Regulation permits only limited and specified exemptions to the requirement that all courses and activities be provided on a sex-integrated basis. The Regulation provides that certain portions of physical education classes may be conducted in sex-segregated groups (this portion of the Regulation will be cited and discussed in the next section of this document, which deals with access to physical education courses). It also states that:

> *§86.34(e) Portions of classes in elementary and secondary schools which deal exclusively with human sexuality may be conducted in separate sessions for boys and girls.*
>
> *(f) Recipients may make requirements based on vocal range or quality which may result in a chorus or choruses of one or predominantly one sex.*

The Issue

The basic principle underlying consideration of equality in access to course offerings is that all students should be provided full encouragement and support in selecting courses on the basis of their interests, values and abilities. Too frequently, school policies, counseling materials, counseling experiences, course descriptions, course materials, staff assignments and interest clubs give students strong messages about the appropriateness of various courses and activities for each sex. Bias or sex stereotyping in access to course offerings may result from any policies, influences, or practices that might limit course choice on the basis of sex.

Influences on children to limit their interests and choices on the basis of sex begin early. In elementary schools, students are frequently segregated by sex for classroom duties, separated for instruction in physical education, exposed to textbooks and instructional materials which present stereotyped images of males and females, or provided career exploration programs which do not present diverse role models and a variety of occupations or activities for both sexes. As students progress through school, the "tracking" of students into sex-segregated programs becomes more evident. Graduation policies may require different courses for females and males; counseling instruments may result in sex differentiation in student course placement; limitations or bias in career exploration opportunities may affect student course selection; academically-related special

interest clubs may not encourage coed participation; and stereotypic patterns in the assignment of staff may limit the aspirations of students. All of these factors influence student access to courses.

The Title IX Regulation provisions address both formal and informal sources of bias. §86.34 clearly prohibits differentiation on the basis of sex in formal education policies pertaining to course access; covered under this provision would be:

- differential graduation requirements or required enrollment for males and females;
- limitation of admissions to particular courses on the basis of sex;
- exclusion from courses on the basis of sex;
- differential placement or course assignment on the basis of sex;
- provision of sex-separated courses;
- provision of sex-differentiated assignments, materials, services, or other treatment in any course or academic program.

These requirements do *not* prohibit grouping on the basis of interests and ability. Students may be separated by sex in portions of classes dealing exclusively with human sexuality or in choruses where students are grouped on the basis of vocal range.

Some of the more informal or indirect sources of bias are addressed in other sections of the Regulation.

- Sex-segregated interest clubs are prohibited under provisions dealing with extracurricular activities (§86.31); sex segregation in such clubs may serve to reinforce and maintain stereotypic course choice.
- Assignment of teaching staff on the basis of sex-stereotyped or discriminatory criteria is prohibited (§86.51); teaching assignments provide concrete role models influential in student course selection.
- The use of counseling instruments which require differential treatment on the basis of sex is prohibited (§86.36(b)); such instruments have often provided the basis for sex-differentiated counseling recommendations or course assignments.
- Counseling students differentially on the basis of sex is also prohibited (§86.36(a)).

Of major importance to the determination of equality in course access is the section of the Regulation which requires that when a class or course of study contains a disproportionate number of students of one sex, the institution must take measures to assure itself that this disproportion is not the result of discrimination on the basis of sex by counselors or in counseling materials (§86.36(c)). Such sexually-disproportionate course enrollments may signal the existence of subtle or indirect forms of discrimination or bias.

ACCESS TO COURSES—GENERAL

Self-Evaluation: An Outline

In order to assess and evaluate present compliance with the requirements of the Title IX Regulation for nondiscrimination in access to course offerings and to plan necessary modification, it will be necessary to:

Review the following materials:

- copies of graduation requirements
- copies of policies or guidelines regarding procedures for the assignment of students to courses or classes
- copies of course descriptions or course catalogs
- copies of curriculum guides that outline the content, activities, or instructional methodologies of courses
- copies of student handbooks

Collect the following data:

- course enrollment by sex in:
  - –advanced science courses
  - –advanced mathematics courses
  - –advanced placement courses
  - –vocational technical courses
  - –industrial and business courses
  - –distributive-cooperative education courses
  - –physical education classes*
  - –music courses
  - –adult education courses
- list, by sex, of student placements and compensation in work-study programs

Determine compliance by answering the following questions:

- Are graduation requirements the same for males and females?
- Are criteria and procedures for the assignment or selection of students to programs, courses or classes developed and applied without regard to sex?
- Does the student handbook make clear that all courses are open to students of both sexes?
- Are course titles and course descriptions gender-free (e.g., without such labels as "bachelor cooking" or descriptions as "course is designed to provide an introduction to basic child development and prepare students for the responsibilities of motherhood")?

*Physical education courses will be considered in a separate portion of ths document.

- Is the use of sex-linked pronouns avoided in favor of such terms as "students" or "he/she" in student handbooks, course descriptions or curriculum guides?

- Are courses free from prerequisites which have a sexually discriminatory effect on enrollment?

- Are all programs, courses or classes conducted without sex differentiation in assignments, materials, services, or other treatment?

- Are all classes conducted on a coeducational basis unless they are dealing exclusively with human sexuality or unless students are selected for participation on the basis of vocal range?

- Is the enrollment of students of one sex 80% or above in any courses? If so, have steps been taken to ensure that this is not the result of sex discrimination?

- If the district operates any sex-segregated schools, are such schools provided for both males and females? Are these schools comparable in programs, extracurricular activities, services, facilities and equipment? If, for reasons of low enrollment, a particular course is offered in one school only, are provisions made for access to this course by students of the other school?

If you have answered "no" to any of these questions, you will need to undertake modifications and remedial steps to achieve compliance with Title IX.

ACCESS TO COURSES—GENERAL

Self-Evaluation: Action Checklists

Self-evaluation is a process involving staff at all levels of the institution or agency. The following checklists provide general suggestions to personnel at the central administrative, building administrative, and building staff levels as to procedures and review questions which facilitate effective evaluation of compliance with Title IX requirements for nondiscrimination in student access to courses. **(Note: These checklists are procedural only; substantive criteria for compliance evaluation are provided in the preceding section, "Self-Evaluation: An Outline.")**

Central Office Staff

- Has a policy statement been issued which affirms the right of every student to access to all courses without regard to sex? Yes ☐ No ☐

- Has a policy directive regarding the specific implications of Title IX for student access to courses been developed and disseminated to administrators and relevant staff? Yes ☐ No ☐

- Have forms, procedures and timelines been developed and disseminated for submission to the central office by building administrators of:

  –assurances of review of policies governing student access to courses and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all procedures, criteria or testing instruments used in determining the access or assignment of students to courses and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all descriptive materials relating to course access or selection (including student handbooks or catalogs) and modification where necessary to ensure that content, language and illustrations reflect compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all course and curriculum guidelines and modifications where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all course enrollments by sex and a description of procedures used to ensure that course enrollments found to be disproportionate (which are 80% or above students of one sex) are not due to sex discrimination in counseling or counseling materials? Yes ☐ No ☐

- Have graduation requirements been reviewed to ensure that they are identical for males and females? Yes ☐ No ☐

- Have guidelines regarding procedures and/or criteria to be used in assigning students to classes been reviewed and modified where necessary to ensure compliance with Title IX requirements? Yes ☐ No ☐

- Have all district curriculum policies or guidelines been reviewed and modified where necessary to ensure compliance with Title IX requirements? Yes ☐ No ☐

- If the district maintains sex-separated schools, have the programs of these schools been reviewed and modified if necessary to ensure comparability in:

  –admissions criteria? Yes ☐ No ☐
  –curriculum? Yes ☐ No ☐
  –teaching staff? Yes ☐ No ☐
  –work-study placements? Yes ☐ No ☐
  –equipment and facilities? Yes ☐ No ☐
  –counseling services? Yes ☐ No ☐
  –student services and policies? Yes ☐ No ☐
  –promotion criteria? Yes ☐ No ☐
  –graduation requirements? Yes ☐ No ☐
  –accreditation? Yes ☐ No ☐

- If, for reasons of low enrollment, a particular course is offered only in a sex-segregated school, are provisions made for access to such a course by students of the other schools? Yes ☐ No ☐

- Has every building administrator submitted all required data and assurances to the central office according to the specified timeline? Yes ☐ No ☐

ACCESS TO COURSES—GENERAL

Building Administrators (Principals/Supervisors)

- Has a policy directive regarding the specific implications of Title IX for student access to courses been developed and disseminated to all counselors and instructors with responsibility for the assignment or selection of students to courses? Yes ☐ No ☐

- Have you requested that all building staff submit information concerning any instances of sex discrimination that they may identify in policies, practices or materials relating to student access to courses? Yes ☐ No ☐

- Have you prepared the following and submitted them to the central administration according to specified format and timelines:

  —assurances of review of policies governing student access to courses and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  —assurance of review of all procedures, criteria and testing instruments used in determining the access or assignment of students to courses and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  —assurances of review of all descriptive materials relating to course access or selection (including student handbooks or catalogs) and modification where necessary to ensure that content, language and illustrations reflect compliance with Title IX? Yes ☐ No ☐

  —assurances of review of all course and curriculum guidelines and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  —assurances of review of all course enrollments by sex and a description of procedures used to ensure that course enrollments which are found to be disproportionate (80% or above students of one sex) are not due to discrimination in counseling or counseling materials? Yes ☐ No ☐

ACCESS TO COURSES—GENERAL

Building Staff (Instructors/Counselors)

Instructors

- Have you familiarized yourself with the implications of Title IX requirements for nondiscrimination in student access to courses for any courses or programs for which you have responsibility? Yes ☐ No ☐
- Are all courses and programs which you conduct open to males and females according to the same criteria? Yes ☐ No ☐
- If you have responsibility for the assignment of students to courses, classes or programs, is such assignment or selection based upon procedures and criteria developed and applied without regard to sex? Yes ☐ No ☐
- Have you reviewed all course descriptions and plans to ensure that females and males are accorded equal treatment and experiences in all courses/programs for which you have responsibility? Yes ☐ No ☐
- Have you reviewed all your course enrollments by sex to identify those courses in which the enrollment of students of one sex is 80% or above? Yes ☐ No ☐
- If you have identified courses with such a disproportionate enrollment, have you taken steps to assure yourself that this is not the result of sex discrimination? Yes ☐ No ☐
- Have you submitted to your building administrator or supervisor information concerning any instances of discrimination you have identified in policies, practices or materials relating to student access to courses? Yes ☐ No ☐

Counselors

- Have you familiarized yourself with the implications of the Regulation to implement Title IX regarding nondiscrimination in student access to courses as they pertain to counseling services? Yes ☐ No ☐
- Have you reviewed your counseling policies, practices and materials to assess their compliance with Title IX requirements for nondiscrimination in student access to courses and modified them where necessary to ensure compliance? Yes ☐ No ☐
- If you have responsibility for the assignment of students to courses, classes or programs, is such assignment based upon criteria and procedures developed and applied without regard to sex? Yes ☐ No ☐
- Have you made it clear to all students that all courses are open equally to males and females? Yes ☐ No ☐

- Have you reviewed all tests used in the assignment, referral or placement of students in courses or programs to ensure that they do not have a disproportionately adverse effect upon students of one sex? Yes ☐ No ☐

  If materials which do have such effect are used, have:

  –these materials been demonstrated to validly predict success in the course/program in question? Yes ☐ No ☐

  –other materials which do not have such effect been shown to be unavailable? Yes ☐ No ☐

- Have you reviewed course enrollments by sex to identify any courses in which the enrollment of students of one sex is 80% or more? Yes ☐ No ☐

- If you have identified courses with such a disproportionate enrollment, have you taken steps to assure yourself that this is not the result of sex discrimination in counseling practices or materials? Yes ☐ No ☐

- Have you submitted to your building administrator or supervisor information concerning any instances of discrimination you have identified in policies, practices or materials relating to student access to courses? Yes ☐ No ☐

ACCESS TO COURSES–PHYSICAL EDUCATION

The Regulation

§86.34 of the Title IX Regulation states that an institution or agency may not:

> *provide any course or otherwise carry out any of its education program or activity separately on the basis of sex, or require or refuse participation therein by any of its students on such basis, including health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses.*
>
> *(a) With respect to classes and activities in physical education at the elementary school level, the recipient shall comply fully with this section as expeditiously as possible but in no event later than one year from the effective date of this regulation. With respect to physical education classes and activities at the secondary and post-secondary levels, the recipient shall comply fully with this section as expeditiously as possible but in no event later than three years from the effective date of this regulation.*
>
> *(b) This section does not prohibit grouping of students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex.*
>
> *(c) This section does not prohibit separation of students by sex within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball and other sports the purpose or major activity of which involves bodily contact.*
>
> *(d) Where use of a single standard of measuring skill or progress in a physical education class has an adverse effect on members of one sex, the recipient shall use appropriate standards which do not have such effect.*
>
> *(e) Portions of classes in elementary and secondary schools which deal exclusively with human sexuality may be conducted in separate sessions for boys and girls.*

The Issue

The physical education curriculum provided to students is an integral portion of the total educational program. Good physical education programs can:

- provide students with positive attitudes toward their physical selves and their physical capabilities;
- provide students with an appreciation of the value of physical activities as a means of maintaining lifetime physical fitness;
- assist students in the development of concentration and self-discipline;
- assist students in the development of an appreciation of concepts of fair play, leadership and followership;

- contribute to the development of optimal individual physical skills;

- contribute to the development of optimal levels of individual physical fitness.

Physical education should be an important contribution to the education program of all students; it can provide all students with learnings transferable to other school and life experiences. Too frequently, however, we have provided physical education differentially on the basis of sex. By providing different required or elective curricula or activities for males and females, we limit opportunities for all students. This sex differentiation communicates stereotyped expectations to both male and female students and it limits their opportunities for exploring the full range of physical education activities and programs which can contribute to their optimal physical and personal development.

The Title IX Regulation addresses these concerns in its prohibition of sex segregation and discrimination in physical education programs. It provides that physical education classes may not be conducted separately on the basis of sex and that participation in physical education programs may neither be required nor refused on the basis of sex. The Regulation acknowledges that required integration of physical education programs may necessitate planning and modification of current administrative policies and practices. This process must begin immediately, however; elementary schools must be in full compliance with the Regulation by July 21, 1976, secondary schools by July 21, 1978.

These dates imply an adjustment period but *not* a waiting period. Active steps toward compliance must be taken during this time interval; such steps might include:

- staff training and planning;
- curriculum revision;
- rescheduling;
- renovation of facilities or construction of additional facilities.

The adjustment period may be used *only* if institutions or agencies can demonstrate real barriers to immediate compliance.

The Title IX Regulation also specifies instances when students may be segregated by sex without violating the basic requirement for nondiscrimination. Sex segregation is neither prohibited nor required when it results from:

- the grouping of students in physical education classes and activities by ability as assessed by objective standards of individual performance. (Use of such standards may result in groups composed primarily of students of one sex.)

- the separation of students during physical education classes for activities in wrestling, boxing, rugby, ice hockey, football, basketball and other bodily contact sports.

- the separation of students for portions of classes which deal exclusively with human sexuality.

It is important to note that ability grouping or sex separation must be decided on an activity-by-activity basis. Objective standards legitimate for grouping students for volleyball are not the same as those useful for track and field activities, nor is it permissible to use a single general fitness standard for grouping in all activities. Further, separation of females and males for participation in contact sports may occur during that participation only. The physical growth and development patterns of boys and girls would suggest that the likelihood of sex-segregated activities

resulting from application of these guidelines would be very rare at the elementary school level and possibly more frequent at the secondary level.

The Regulation also requires that where a single standard for measuring skill or progress in a physical education class has an adverse impact on members of one sex, a different standard or standards must be adopted for girls and boys or a single standard measuring individual improvement must be used. The ultimate goal of program modifications at all levels would be to eliminate the arbitrary imposition of differential requirements which are based exclusively on the sex of students without regard for student interest or ability or for the goals of physical education for all students.

ACCESS TO COURSES—PHYSICAL EDUCATION

Self-Evaluation: An Outline

In order to assess and evaluate present compliance with the requirements of the Title IX Regulation for nondiscrimination in physical education programs and to plan necessary modifications, it will be necessary to:

Review the following materials:

- copies of physical education requirements for students at all grade levels
- copies of curriculum guides that outline the content, activities or instructional methodologies of all physical education programs
- copies of all physical education course descriptions
- descriptions of all facilities and equipment used in physical education programs

Collect the following data:

- name, description and grade level of all physical education courses conducted separately for males and females, and statement of facilities and equipment used
- name, description and grade level of all physical education courses conducted on a coeducational basis and statement of facilities and equipment used
- course enrollments by sex in physical education courses at all grade levels
- summary of program activities within each physical education course

Determine compliance by answering the following questions:

- Are physical education requirements the same for males and females?
- Are physical education classes conducted on a coeducational basis except during participation in contact sports?
- Do course descriptions make it clear that all physical education courses are open to male and female students according to nondiscriminatory criteria?
- Do course descriptions state the criteria for measurement of skills where these are employed for grouping students?
- Are criteria used for measurement of progress within a physical education course or program explicit and free of adverse effects upon students of one sex?
- Are physical education class activities sufficiently diversified for achieving the range of physical education program goals and not concentrated only on contact sports?

If you have answered "no" to any of these questions, you will need to undertake modifications and remedial steps to achieve compliance with Title IX.

ACCESS TO COURSES—PHYSICAL EDUCATION

Self-Evaluation: Action Checklist

Self-evaluation is a process involving staff at all levels of the institution or agency. The following checklists provide general suggestions to personnel at the central administrative, building administrative, and building staff levels as to procedures and review questions which facilitate effective evaluation of compliance with Title IX requirements for nondiscrimination in physical education programs. **(Note: These checklists are procedural only; substantive criteria for compliance evaluation are contained in the preceding section, "Self-Evaluation: An Outline.")**

Central Office Staff

- Has a policy statement been issued which affirms the right of every student to physical education without regard to sex? Yes ☐ No ☐

- Has a policy directive regarding the specific implications of Title IX for agency and school physical education programs been disseminated to administrators and relevant staff? Yes ☐ No ☐

- Have forms, procedures and timelines been developed for submission to the central office by building administrators of the following:

  –list of enrollments by sex in all physical education courses with identification of the facilities used? Yes ☐ No ☐

  –description of nondiscriminatory criteria used in assigning students to courses, classes or ability groupings? Yes ☐ No ☐

  –description of nondiscriminatory standards used in assessing individual progress in physical education courses? Yes ☐ No ☐

  –statement of barriers (if any) to achieving immediate compliance with requirements of the Title IX Regulation? Yes ☐ No ☐

- Have district physical education requirements been reviewed and modified where necessary to ensure that they are identical for males and females? Yes ☐ No ☐

- Have district guidelines or requirements for physical education programs–including course outlines, instructional methodologies, class activities and skills measurement criteria–been reviewed and modified where necessary to ensure compliance with Title IX? Yes ☐ No ☐

- Have guidelines regarding procedures and/or criteria to be used in assigning students to physical education classes been developed and disseminated to administrative and relevant staff to facilitate compliance with Title IX requirements? Yes ☐ No ☐

- Has every building administrator submitted all required data and assurances to the central office according to specified timelines? Yes ☐ No ☐

- Have district plans been made for ensuring compliance with the Title IX Regulation requirements for physical education at the earliest possible date? Yes ☐ No ☐

Do they involve:

–staff training? Yes ☐ No ☐
–curriculum revision? Yes ☐ No ☐
–rescheduling? Yes ☐ No ☐
–renovation or construction of facilities? Yes ☐ No ☐

ACCESS TO COURSES—PHYSICAL EDUCATION

Building Administrators (Principals/Supervisors)

- Has a policy directive regarding the specific implications of Title IX for school physical education programs been disseminated to all physical education staff? Yes ☐ No ☐

- Have you requested that all building staff submit information regarding any instances of sex discrimination that they may identify in practices, policies or materials relating to physical education? Yes ☐ No ☐

- Have you prepared the following and submitted them to the central administration according to the specified format and timelines:

  –list of enrollments by sex in all physical education courses with identification of facilities used? Yes ☐ No ☐

  –description of nondiscriminatory criteria used in assigning students to courses, classes, or ability groupings? Yes ☐ No ☐

  –description of nondiscriminatory standards used in assessing individual progress in physical education courses? Yes ☐ No ☐

  –statement of barriers (if any) to achieving immediate compliance with requirements of the Title IX Regulation? Yes ☐ No ☐

  –description and assurances of immediate compliance activities where possible? Yes ☐ No ☐

- Have plans been developed for ensuring school compliance with the Title IX Regulation requirements for physical education at the earliest possible date? Yes ☐ No ☐

  Do they involve:

  –staff training? Yes ☐ No ☐
  –curriculum revision? Yes ☐ No ☐
  –rescheduling? Yes ☐ No ☐
  –renovation or construction of facilities? Yes ☐ No ☐

ACCESS TO COURSES—PHYSICAL EDUCATION

Building Staff (Instructors)

- Have you familiarized yourself with the implications of Title IX requirements for nondiscrimination in physical education courses or programs for which you have responsibility? Yes ☐ No ☐

- Are all your physical education courses, classes or activities (other than those involving bodily contact) provided on a coeducational basis? Yes ☐ No ☐

- Have you reviewed the criteria you use in assigning students to classes or ability groupings to ensure that they are objective and objectively applied? Yes ☐ No ☐

- Have you reviewed the criteria you use in measuring student progress within physical education courses to ensure that they do not have an adverse effect on students of one sex? Yes ☐ No ☐

- Have you submitted to your administrator or supervisor information regarding instances of sex discrimination that you have identified in practices, policies, or materials relating to physical education in your agency/school? Yes ☐ No ☐

ACCESS TO COURSES–VOCATIONAL EDUCATION

The Regulation:

Although one portion of the Title IX Regulation is addressed specifically to schools of vocational education, it is important to note that *schools* of vocational education are subject to all of the requirements under Title IX which affect local education agencies. Further, vocational education *courses* are specifically subject to the provision of the Regulation regarding equal access to courses:

> §*86.34 Access to course offerings.*
>
> *A recipient shall not provide any course or otherwise carry out any of its education program or activity separately on the basis of sex, or require or refuse participation therein by any of its students on such basis, including health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses* [emphasis added].

The section of the Regulation which uniquely applies to schools of vocational education is:

> §*86.35 Access to schools operated by LEAs.*
>
> *A recipient which is a local educational agency shall not, on the basis of sex, exclude any person from admission to:*
>
> *(a) any institution of vocational education operated by such recipient. . .*

Schools of vocational education are thus the only schools at the elementary-secondary level which are subject to the admissions portion of the Title IX Regulation:

> §*86.21 Admission*
>
> *(a) General. No person shall, on the basis of sex, be denied admission, or be subject to discrimination in admission, by any recipient to which this Subpart applies. . .*
>
> *(b) Specific prohibitions. (1) In determining whether a person satisfies any policy or criterion for admission, or in making any offer of admission, a recipient to which this Subpart applies shall not:*
>
> *(i) give preference to one person over another on the basis of sex, by ranking applicants separately on such basis, or otherwise:*
>
> *(ii) apply numerical limitations upon the number or proportion of persons of either sex who may be admitted; or*
>
> *(iii) otherwise treat one individual differently from another on the basis of sex.*

(2) A recipient shall not administer or operate any test or other criterion for admission which has a disproportionately adverse effect on persons on the basis of sex unless the use of such test or criterion is shown to predict validly success in the education program or activity in question and alternative tests or criteria which do not have such a disproportionately adverse effect are shown to be unavailable.

Further, an institution of vocational education may not discriminate on the basis of sex in making admissions decisions related to marital or parental status:

(c) Prohibitions relating to marital or parental status.

In determining whether a person satisfies any policy or criterion for admission, or in making any offer of admission, a recipient to which this Subpart applies:

(1) shall not apply any rule concerning the actual or potential parental, family, or marital status of a student or applicant which treats persons differently on the basis of sex;

(2) shall not discriminate against or exclude any person on the basis of pregnancy, childbirth, termination of pregnancy, or recovery therefrom, or establish or follow any rule or practice which so discriminates or excludes;

(3) shall treat disabilities related to pregnancy, childbirth, termination of pregnancy, or recovery therefrom in the same manner and under the same policies as any other temporary disability or physical condition; and

(4) shall not make pre-admission inquiry as to the marital status of an applicant for admission, including whether such applicant is "Miss" or "Mrs." A recipient may make pre-admission inquiry as to the sex of an applicant for admission, but only if such inquiry is made equally of such applicants of both sexes and if the results of such inquiry are not used in connection with discrimination prohibited by this Part.

Recruitment procedures must likewise be nondiscriminatory.

§ *86.22 Preference in admission*

A recipient to which this Subpart applies shall not give preference to applicants for admission, on the basis of attendance at any educational institution or other school or entity which admits as students only or predominantly members of one sex, if the giving of such preference has the effect of discriminating on the basis of sex in violation of this Subpart.

§ *86.23 Recruitment*

(a) Nondiscriminatory recruitment. A recipient to which this Subpart applies shall not discriminate on the basis of sex in the recruitment and admission of students. A recipient may be required to undertake additional recruitment efforts for one sex as remedial action pursuant to § *86.3(a)* [finding of discrimination by the Director, Office for Civil Rights, HEW], *and may choose to undertake such efforts as affirmative action pursuant to* § *85.3(b)* [voluntary affirmative action efforts].

(b) Recruitment at certain institutions. A recipient to which this Subpart applies shall not recruit primarily or exclusively at educational institutions, schools or entities which admit as students only or predominantly members of one sex, if such actions have the effect of discriminating on the basis of sex in violation of this Subpart.

The Issue

The primary goal of courses and programs in vocational education, whether offered in a separate school or within a non-vocational school, is to prepare students with the knowledge, attitudes and skills that they will need for carrying out adult work roles–both those necessary for maintenance of self and family and those necessary for participation in the paid work force. School programs must be organized and implemented in ways that ensure that students are free to choose their life and work goals on the basis of their individual values, interests and abilities.

Frequently, however, our vocational schools and vocational education programs and courses have operated to limit the development of students' interests and abilities. Vocational education has largely reflected and maintained traditional societal norms and expectations regarding appropriate life and career roles for females and males.

National statistics on enrollments in vocational education document the existence of traditional societal norms or sex-role stereotypes. Although in FY 1972,* 55% of all enrollees in vocational education programs were women, 73.4% of all women enrolled received vocational training in either consumer and homemaking (45.4%) or office (28.0%) occupations. By contrast, 58.4% of the male students obtained training in technical, industrial or agricultural skills.[1] Further analysis of the data according to the 136 instructional categories within the various programs shows additional evidence of sex-role stereotyping. Seventy-one percent (97 categories) had enrollments of at least 75% one sex or the other, and almost half (66 categories) had enrollments that were over 90% one sex or the other. The only category that indicated a somewhat balanced enrollment by sex was programs in the distribution of goods and services.[2]

Although there have been fewer efforts to document sex discrimination in local schools or programs of vocational education, evidence does suggest that local practices function to deny comparable access and quality to boys and girls. In large school districts, it has not been uncommon to find sex-segregated vocational high schools[3] or the use of different criteria for admissions to training. Studies have documented that the jobs for which girls are trained are not only more restricted in number but are also lower paying than jobs for which boys are prepared. In one major city, the expected wages for trades taught at the trade school for girls were 47% less than those for trades taught at the boys' trade school.[4]

Sex stereotyping in vocational education thus has clear economic outcomes. Stereotyping in vocational education and related courses also has more subtle social outcomes. If female students are required to take home economics and males to take industrial arts in order to graduate from a non-vocational high school, both males and females are receiving clear messages about appropriate life and home roles.

The Title IX Regulation applies to vocational education as provided in two kinds of programs:

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*Note: FY 1972 is the last year for which data are reported by sex. There is no evidence to suggest, however, that these data have changed significantly since that time.

Those courses and programs related to students' vocational education which are provided in elementary-secondary schools which are not exclusively schools of vocational preparation.

Examples of these courses and programs include home economics, shop, business, distributive education, cooperative education programs, etc. These courses must be provided in nondiscriminatory fashion; they are covered under the section of the Regulation which deals with access to courses. This section specifies that no student may, on the basis of sex, be:

- required to enroll in any course or given preference in course enrollment;
- excluded from a course;
- provided differential assignments, materials, services, or other treatment;
- provided differential opportunity for participation in work-study, cooperative education, distributive education, or other related programs.

Those vocational, industrial, and other programs provided in vocational schools

Vocational schools are treated differently in the Regulation from other elementary and secondary schools in that they are covered by the admissions section, which prohibits sex discrimination in any aspect of the admissions process. In addition, those sections of the Regulation prohibiting sex discrimination in the treatment of students or employees apply to vocational schools as they do to other schools operated by local education agencies.

According to the admissions section of the Regulation, schools of vocational education may not:

- deny admission to any student on the basis of sex;
- give preference to students on the basis of sex through:
  - –ranking applicants separately on the basis of sex;
  - –applying numerical limitations on the proportion of students admitted by sex;
  - –using differential admissions criteria on the basis of sex;
  - –use of tests which have a disproportionately adverse effect on members of one sex unless the use of such tests are shown to predict validly success in the program and no other tests are available;
- apply any rule concerning the actual or potential parental, family, or marital status of a student which treats persons differently on the basis of sex;
- make pre-admission inquiries as to the marital status of students.

Where admissions to vocational schools have been previously limited to members of one sex, specific steps designed to encourage individuals of the previously excluded sex to apply for admission may be undertaken as affirmative action measures.

The portion of the Title IX Regulation which deals with counseling, §86.36, will significantly affect courses of vocational education whether provided in vocational schools or within the total program of a non-vocational school. It requires that no student may, on the basis of sex, be:

- provided counseling services which:

  –differentiate by sex in career counseling;
  –differentiate by sex in personal counseling;
  –suggest the appropriateness of courses by sex;

- provided counseling or testing instruments which require different treatment of results or separate classifications of occupations by sex;

- provided materials that state or imply, directly or through omission, that certain academic, career or personal choices are more appropriate for one sex than the other;

- assigned to members of the counseling staff solely on the basis of sex.

The counseling section of the Regulation further requires schools to identify all courses in which the enrollment by students of one sex is disproportionate (those courses in which 80% of enrollees are male, or 80% are female) and to take measures to assure themselves that this disproportion is not due to discrimination in counseling itself or related instruments or materials. Courses in vocational education and related areas are likely to be among those most affected by this provision.

Footnotes

1. *Summary Data–Vocational Education, Fiscal Year 1972.* Washington, D.C.: Office of Education, U.S. Department of Health, Education, and Welfare.

2. *Ibid.*

3. *A Look at Women in Education: Issues and Answers for HEW–Report of the Commissioner's Task Force on the Impact of OE Programs on Women.* Washington, D.C.: Office of Education, U.S. Department of Health, Education, and Welfare 1972, p.5.

4. Gail Bryan. *Discrimination on the Basis of Sex in Occupational Education in the Boston Public Schools.* Boston: Commission to Improve the Status of Women, 1972, p. 6 (mimeo).

ACCESS TO COURSES—VOCATIONAL EDUCATION

Self-Evaluation: An Outline

In order to assess and evaluate present compliance with the requirements of the Title IX Regulation for nondiscrimination in vocational education and to plan necessary modifications, it will be necessary to:

Review the following materials:

Materials concerning vocational education and related courses and programs provided by either vocational or non-vocational elementary and secondary schools

- copies of graduation requirements
- copies of policies governing student assignment to courses and programs of vocational education
- copies of student handbooks
- copies of all descriptions of vocational, technical, industrial, business, and home economics courses
- copies of all curriculum guidelines relating to content, activities, instructional methodologies or requirements in vocational education and related courses

Materials related to admissions to any schools of vocational education operated by the district

- copies of all policies concerning student admissions and admissions requirements
- copies of any documents describing the admissions procedure
- statement of admissions criteria
- copies of all tests used to determine eligibility for admission
- copies of all application forms used for student admissions
- copies of recruitment brochures, catalogs, or other materials distributed to applicants
- copies of any materials used by counselors in referring students to vocational schools

Collect the following data:

Data concerning vocational education and related courses and programs provided by either vocational or non-vocational elementary and secondary schools

- course enrollment by sex in all:
  - –vocational courses
  - –technical courses
  - –industrial courses
  - –business courses
  - –distributive-cooperative education courses
  - –home economics courses

- list of student placements and compensation by sex in work-study programs

- description of practices and/or criteria used for referral or assignment of students to vocational education courses and programs

Data related to admissions to any schools of vocational education operated by the district

- number of students admitted by sex for the current academic year and the year preceding

- for any tests used in determining student eligibility for admission, the average and median score obtained by males and females during the past two years

- a list of all institutions at which recruitment efforts are made with enrollment of each by sex

- a list of all institutions which regularly refer applicants for admission, their enrollment by sex and their referrals for the past two years by sex

Determine compliance by answering the following questions:

With regard to vocational education and related courses and programs provided by either vocational or non-vocational elementary and secondary schools

- Are graduation requirements the same for females and males (i.e., if industrial arts and home economics are required, are both required for students of both sexes)?

- Does the student handbook make clear that all vocational and related courses are open to students of both sexes?

- Are all vocational education and related course titles and descriptions gender-free?

- Are all vocational education and related classes conducted on a coeducational basis?

- Do all vocational education program and curriculum guidelines make clear that all courses are to be provided equally and under the same conditions to males and females?

- Are all criteria for the assignment of students to vocational and related courses and programs free from differentiation on the basis of sex?

- Is the enrollment of students of one sex 80% or above in any courses or programs of vocational education? If so, have steps been taken to ensure that this is not the result of sex discrimination in counseling or counseling materials?

With regard to admissions to any schools of vocational education operated by the district

- Are all decisions regarding admissions to schools of vocational education made without regard to sex?

  –Without giving preference to one person over another on the basis of sex?

  –Without ranking applicants separately on the basis of sex?

  –Without applying numerical limitations (quotas) on the number or proportion of persons of either sex who may be admitted?

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—Without applying different admissions criteria on the basis of sex?

- Are all tests or criteria used in admissions free from a disproportionately adverse effect upon persons of one sex? If not, have these tests or criteria been shown to validly predict success in the programs concerned and have questions and tests which do not have such an effect been shown to be unavailable?

- Are all admissions decisions made without reference to any rule concerning the actual or potential parental, family or marital status of an applicant which treats persons differently on the basis of sex?

- Are admissions forms or inquiries free from items concerning the marital status of applicants?

- If admissions preference is given to applicants on the basis of attendance at a school which enrolls only or predominantly students of one sex, is it given in such a way to prevent discriminatory effects on the basis of sex? (I.e., is such preference given to comparable numbers of females and males?)

- Are recruitment efforts made without regard to sex? If students are recruited from institutions which enroll only or predominantly students of one sex, is such recruitment conducted in a nondiscriminatory fashion? (I.e., are students recruited equally from boys' and girls' schools?)

- If admissions have previously been limited to students of one sex, have specific steps been taken to encourage persons of the previously excluded sex to apply for admission?

If you have answered "no" to any of these questions, you will need to undertake modifications and remedial steps to achieve compliance with Title IX.

ACCESS TO COURSES—VOCATIONAL EDUCATION

Self-Evaluation: Action Checklists

Self-evaluation is a process involving staff at all levels of the institution or agency. The following checklists provide general suggestions to personnel at the central administrative, building administrative and building staff levels as to procedures which facilitate effective evaluation of compliance with Title IX requirements for nondiscrimination in access to vocational education. **(Note: These checklists are procedural only; substantive criteria for evaluating compliance are provided in the preceding section, "Self-Evaluation: An Outline.")**

Central Office Staff

- Has a policy statement been issued which affirms the rights of every student to access to vocational education courses, programs and schools without regard to sex? Yes ☐ No ☐

- Has a policy directive regarding the specific implications of Title IX for agency vocational education courses, programs and schools been disseminated to administrators and relevant staff? Yes ☐ No ☐

- Have forms, procedures, and timelines been developed for submission to the central office by *all building administrators* of:

  –assurances of review of policies governing student access to courses, programs or schools of vocational education and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of procedures, criteria, and testing instruments used in the admission or assignment of students to courses, programs, or schools of vocational education and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all descriptive materials relating to student access to courses, programs, or schools of vocational education (including student handbooks or catalogs) and modification where necessary to ensure that content, language and illustrations reflect compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all vocational education course and curriculum guidelines and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review by sex of all enrollments in classes, courses or programs of vocational education to identify those in which enrollment of students of a single sex is 80% or more; and a description of procedures used to ensure that any such disproportionate enrollments identified are not the result of sex discrimination in counseling or counseling materials? Yes ☐ No ☐

- Have forms, procedures, and timelines been developed for submission to the central office by *administrators of vocational schools* of:

–assurances of review of admissions policies and procedures and modifications where necessary to ensure compliance with Title IX? Yes ☐ No ☐

–assurances of review of all admissions forms and materials to ensure compliance with Title IX? Yes ☐ No ☐

–assurances of review of all tests or criteria used in the admissions process and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

–assurances of review of policies and practices related to student recruitment and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

–assurances of review of all materials used in the recruitment of students (including student handbooks, catalogs and descriptive brochures) and modification where necessary to ensure that content, language and illustrations reflect compliance with Title IX? Yes ☐ No ☐

–if the school previously admitted as students only members of one sex, a description of any steps taken to encourage applications by members of the excluded sex? Yes ☐ No ☐

–assurances of review and modification where necessary of all other policies, practices and materials affected by Title IX requirements* as specified by central office directives? Yes ☐ No ☐

- Have district guidelines or policies regarding procedures and/or criteria to be used in assigning students to courses, programs or schools of vocational education been reviewed and modified where necessary to ensure compliance with Title IX? Yes ☐ No ☐

- Have all district vocational education curriculum guidelines or policies been reviewed and modified where necessary to ensure compliance with Title IX? Yes ☐ No ☐

- Has every building administrator submitted all required data and assurances to the central office according to specified timelines? Yes ☐ No ☐

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*Note: Schools of vocational education are subject to all requirements of the Title IX Regulation which affect local education agencies.

ACCESS TO COURSES—VOCATIONAL EDUCATION

Building Administrators (Principals/Supervisors)

All schools—vocational and non-vocational

- Has a policy directive regarding the specific implications of Title IX for courses and programs of vocational education been disseminated to all vocational education staff and counselors? Yes ☐ No ☐

- Have you requested that all building staff submit information regarding any instances of sex discrimination that they may identify in policies, practices or materials related to vocational education courses and programs? Yes ☐ No ☐

- Have you prepared the following and submitted them to the central administration according to specified format and timelines:

  —assurances of review of policies governing student access to courses and programs of vocational education and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  —assurances of review of procedures, criteria, and testing instruments used in admission or assignment of students to courses or programs of vocational education and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  —assurances of review of all descriptive materials relating to student access to courses or programs of vocational education (including student handbooks or catalogs) and modification where necessary to ensure that content, language and illustrations reflect compliance with Title IX? Yes ☐ No ☐

  —assurances of review of all vocational education course and curriculum guidelines and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  —assurances of review by sex of all vocational education classes, courses or programs to identify those in which enrollment of students of a single sex is 80% or above; and a description of procedures used to ensure that any such disproportionate enrollments identified are not the result of sex discrimination in counseling or counseling materials? Yes ☐ No ☐

Vocational schools only

- Has a policy directive regarding the specific implications of Title IX for admissions to schools of vocational education been disseminated to all staff involved in the admissions or recruitment process? Yes ☐ No ☐

- Have you requested that all building staff submit information regarding any instances of sex discrimination that they may

identify in policies, practices or materials relating to the admissions or recruitment of students? Yes ☐ No ☐

- Have you prepared the following and submitted them to the central administration according to specified format and timelines:

  –assurances of review of admissions policies and procedures and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all admissions forms and materials to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all tests or criteria used in the admissions process and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of policies and practices related to student recruitment and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all materials used in the recruitment of students (including student handbooks, catalogs, and descriptive brochures) and modification where necessary to ensure that content, language, and illustrations reflect compliance with Title IX? Yes ☐ No ☐

  –if the school previously admitted as students only members of one sex, a description of any steps taken to encourage application by members of the excluded sex? Yes ☐ No ☐

  –assurances of review and modification where necessary of all other policies, practices and materials relating to Title IX requirements* as specified by central office directives? Yes ☐ No ☐

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*Note: Schools of vocational education are subject to all requirements of the Title IX Regulation which affect local education agencies.

ACCESS TO COURSES—VOCATIONAL EDUCATION

Building Staff (Instructors/Counselors)

Instructors

- Have you familiarized yourself with the implications of the Regulation to implement Title IX for vocational education (industrial, technical, business, distributive, and home economics) courses and programs for which you have responsibility? Yes ☐ No ☐
- Are all vocational and related courses and programs for which you have responsibility open to males and females according to the same criteria? Yes ☐ No ☐
- Have you reviewed all course descriptions and plans to ensure that females and males are accorded equal treatment and experiences in all courses/programs for which you have responsiblity? Yes ☐ No ☐
- Have you reviewed all course enrollments by sex to identify those courses in which enrollment by students of one sex is 80% or above? Yes ☐ No ☐
- If you have identified courses with such a disproportionate enrollment, have you taken steps to assure yourself that this is not the result of sex discrimination? Yes ☐ No ☐
- Have you submitted information to your building administrator/supervisor regarding any instances of discrimination you have identified in policies, practices or materials relating to student access to courses? Yes ☐ No ☐

Counselors

- Have you familiarized yourself with the implications of the Regulation to implement Title IX regarding nondiscrimination in student access to courses as they pertain to counseling services? Yes ☐ No ☐
- Have you reviewed your counseling policies, practices and materials to assess their compliance with Title IX and modified them where necessary? Yes ☐ No ☐
- Have you made it clear to all students that all vocational education courses, programs and schools are open equally to males and females? Yes ☐ No ☐
- Have you reviewed all tests used in assignment, referral or placement of students in courses/programs/schools of vocational education to ensure that they do not have a disproportionately adverse effect upon students of one sex? Yes ☐ No ☐

- If materials which do have such effect are used, have:

  –these materials been demonstrated to validly predict success in the course/program in question? Yes ☐ No ☐

  –other materials which do not have such effect been shown to be unavailable? Yes ☐ No ☐

- Have you reviewed vocational course/program enrollments by sex *to identify any courses/programs in which* the enrollment of students of one sex is 80% or more? Yes ☐ No ☐

- If you have identified courses or programs with such a disproportionate enrollment, have you taken steps to assure yourself that this is not the result of sex discrimination in counseling practices or materials? Yes ☐ No ☐

- Have you submitted to your building administrator or supervisor information concerning any instances of discrimination you have identified in policies, practices or materials relating to student access to vocational education? Yes ☐ No ☐

COUNSELING

The Regulation

§86.36 of the Regulation to implement Title IX prohibits sex discrimination in counseling:

> *§86.36 Counseling and use of appraisal and counseling materials.*
>
> *(a) Counseling. A recipient shall not discriminate against any person on the basis of sex in the counseling or guidance of students or applicants for admission.*
>
> *(b) Use of appraisal and counseling materials. A recipient which uses testing or other materials for appraising or counseling students shall not use different materials for students on the basis of their sex or use materials which permit or require different treatment of students on such basis unless such different materials cover the same occupations and interest areas and the use of such different materials is shown to be essential to eliminate sex bias. Recipients shall develop and use internal procedures for ensuring that such materials do not discriminate on the basis of sex. Where the use of a counseling test or other instrument results in a substantially disproportionate number of members of one sex in any particular course of study or classification, the recipient shall take such action as is necessary to assure itself that such disproportion is not the result of discrimination in the instrument or its application.*
>
> *(c) Disproportion in classes. Where a recipient finds that a particular class contains a substantially disproportionate number of individuals of one sex, the recipient shall take such action as is necessary to assure itself that such disproportion is not the result of discrimination on the basis of sex in counseling or appraisal materials or by counselors.*

The Issue

The basic intent of the counseling provisions of the Regulation is to ensure that female and male students are not prevented, by sex bias or stereotyping in counselor behavior or counseling instruments or materials, from selecting courses or programs of study on the basis of their own individual abilities, interests and goals.

Counselors, in their formal responsibilities for assisting students in the identification and formulation of personal, academic and career goals and choices, often serve as reinforcers and perpetuators of sex-role stereotypes. Counselors, like others in our society, have internalized notions of appropriate academic, career and life roles for females and males. According to traditional stereotypes, the academic abilities of males and females differ, with males excelling in mathematics, sciences and subjects requiring analytical or mechanical ability; and females achieving in literature, languages and subjects emphasizing verbal ability and interpersonal sensitivity. It is frequently assumed that although work and career achievement are of primary importance in the lives of males, they are of far less importance to females for whom work outside the home is thought to be an activity secondary to marriage and childbearing.

Research indicates that such stereotypes, though largely inaccurate, are frequently reflected in the behavior of counselors. Both male and female counselors have distinct and preconceived attitudes regarding the levels and types of occupations appropriate for females, both college and

non-college bound.[1] Both male and female counselors rate females with non-traditional career goals as more in need of counseling than those with goals conforming with traditional concepts of femininity.[2] These attitudes and beliefs operate to restrict the opportunities of female students, just as traditional concepts of appropriate masculine behavior and careers similarly operate to limit the academic and personal options of male students.

Sex-role stereotypes are further manifest in the testing and measurement instruments and the counseling materials used by counselors in the counseling process. A number of achievement tests have been found to contain bias in both content and language usage.[3] Many occupational interest inventories list occupations by sex and fail to offer a complete range of occupational choice to females; many require differential scoring and interpretation of male and female responses.[4] Materials used in career guidance frequently state or imply through text, language or photographs that certain occupations are more desirable, appropriate or "realistic" for students of one sex than the other.

All of these factors—bias in counseling itself, in counseling instruments and in counseling materials—combine to shape and restrict the choices and options available to female and male students. Such bias may be overt and intended or it may be covert and unconscious. Both may function to maintain sex-differentiated academic, career and personal choices even when explicit course restrictions or program designations have been eliminated.

It is these concerns which are addressed by the Title IX Regulation. Prohibited are:

- discrimination in counseling or the counseling process—providing services differently to males and females (e.g., emphasizing career counseling and testing for males and personal counseling for females) or counseling students differently on the basis of sex (e.g., suggesting that males take advanced science courses while "all girls should take child development").
- discrimination in counseling and testing instruments—using instruments which require different treatment of results on the basis of sex, which are based upon separate classifications of occupations for males and females, or which use gender-specific occupational titles.
- discrimination in counseling materials—using materials which state or imply, directly or through omission, that certain academic, career or personal choices are more appropriate for one sex than the other.

Further, to encourage the identification of sources of bias which may be operating subtly or unintentionally, the Regulation requires that schools identify all courses in which the enrollment by students of one sex is sexually disproportionate and to implement procedures to ensure that this disproportion is not due to discrimination in counseling itself or related instruments or materials.

Footnotes

1. Friedersdorf, Nancy, *A Comparative Study of Counselor Attitudes Toward the Further Educational and Vocational Plans of High School Girls*, Purdue University, 1970.
2. Thomas, Arthur and Stewart, Norman, "Counselor Response to Female Clients with Deviate and Conforming Career Goals," *Journal of Counseling Psychology*, 1971, Vol. 18, No. 4, pp. 353-357.
3. Tittle, Carol K., *Women and Educational Testing: A Selective Review of the Research Literature and Testing Practices*, January 31, 1973.
4. *Ibid.*

Self-Evaluation: An Outline

In order to assess and evaluate present compliance with the requirements of the Title IX Regulation for nondiscrimination in counseling and guidance, it may be useful to:

Review the following materials:

- all written materials (including student handbooks) describing counseling and guidance services provided to students
- copies of any manuals, procedural guidelines or other documents outlining the responsibilities of counselors or other guidance personnel
- copies of all tests, appraisal instruments or forms used in counseling students or assigning them to programs or courses
- copies of all materials used by students or counselors in the counseling or guidance process, including:

  –career guidance materials
  –academic counseling materials
  –personal growth counseling materials

- records of counseling contacts by sex of student and by nature of contact–routine course selection, test administration, academic counseling, career/vocational counseling, personal counseling, or disciplinary contact–for the current academic year **(Note: these data may not be available in all districts. If they are not, you may wish to sample as described in the first item below.)**

Collect the following data:

- number of counseling contacts in an average two-week period by sex of student, by source of initiation (by counselor, by student, by referral), and by nature of contact (routine course selection, test administration, academic counseling, personal counseling, disciplinary contact)
- listing of all tests (by name of test and/or form used) administered during the past and current academic years, and numbers of males and females tested with each, including:

  –academic tests (standardized achievement tests, ability tests, National Merit Scholarship Examination, etc.)

  –career interest inventories

  –personal guidance instruments

- course enrollment by sex in *all* courses, particularly:

  –advanced science courses
  –advanced mathematics courses
  –advanced placement courses

–vocational technical courses
–industrial and business courses
–distributive-cooperative education courses
–home economics/shop courses
–music courses
–special education courses

- numbers of students, by sex, referred to other personnel for counseling or guidance services:

  –to school psychologist
  –to external agencies

Determine compliance by answering the following questions:

- Are all counseling services provided in the same manner to males and females and according to the same criteria:

  –academic counseling?
  –career/vocational counseling?
  –personal counseling?
  –test administration?

- Do all descriptive materials relating to counseling and guidance services make clear that all services are available to every student regardless of sex?

- Do all manuals, procedural guidelines or other documents outlining the responsibilities of counselors or guidance personnel:

  –clearly state the responsibilities of personnel for the provision of counseling which does not discriminate on the basis of sex?

  –provide technical or procedural information without the use of sexist language or sex-stereotyped examples?

- Do all counselors:

  –make course assignments without regard to student sex?

  –refrain from discouraging/prohibiting or encouraging/requiring enrollment in courses on the basis of sex?

- Are all students encouraged to consider seriously all programs of study and to select courses on the basis of their individual interests and abilities rather than on the basis of sex?

- Do all tests or instruments used for the appraisal, evaluation or placement of students require identical treatment for male and female students? If the answer to this question is "no," you will need to answer the following additional questions:

  –If the testing form, scoring form and/or interpretive materials are differentiated for males and females, are procedures for the nondiscriminatory administration and interpretation of such instruments specified?

–Is the sex composition of every norm group clearly indicated for every scale?

–Is the technical rationale and information on use and interpretation provided for separate-sex and/or combined-sex scales?

–If sex-differentiated instruments are used, are they used in a nondiscriminatory manner and have alternative instruments which do not so differentiate been shown to be unavailable?*

- Are all materials available to students in academic, career or personal counseling contacts or programs free from implications, in either text, language or photographs, that certain academic, career, or personal choices are more appropriate or "realistic" for students of one sex than the other?

- Where a particular course or course of study is found to have an enrollment of 80% male students or 80% female students, have procedures been specified to ensure that:

  –counselors are not making course assignments differentially on the basis of student sex?

  –counselors do not discourage or prohibit student course enrollment on the basis of sex?

  –counseling materials do not state or imply (in either text, language or photographs) that certain courses, programs, academic, career or life choices are more suitable to students of one sex than the other?

  –instruments used for the placement or assignment of students do not treat students differently on the basis of sex?

  –instruments used for the placement or assignment of students do not have a disproportionately adverse effect on students of one sex?

If you have answered "no" to any of these questions, you will need to undertake modifications and remedial steps to achieve compliance with Title IX.

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* For further information relating to sex bias in tests, see "Guidelines for Assessment of Sex Bias and Sex Fairness in Career Interest Inventories," available from the National Institute of Education, Department of HEW, Washington, D.C. (1975).

COUNSELING

Self-Evaluation: Action Checklists

Self-evaluation is a process involving staff at all levels of an institution or agency. The following checklists provide general suggestions to personnel at the central administrative, building administrative and building staff levels as to procedures and review questions which facilitate effective evaluation of compliance with Title IX requirements for nondiscrimination in counseling. **(Note: these checklists are procedural only; substantive criteria for compliance evaluation are provided in the preceding section, "Self-Evaluation: An Outline.")**

Central Office Staff

- Has a policy statement been issued which affirms the right of every student to counseling without regard to sex? Yes ☐ No ☐

- Has a policy directive regarding the specific implications of Title IX for counseling policies and practices, counseling instruments, and counseling materials been developed and disseminated to administrators and relevant staff? Yes ☐ No ☐

- Have forms, procedures and timelines been developed and disseminated for submission to the central office by building administrators of:

  –assurances of review of all school policies and program plans relating to the provision of counseling and testing services and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all descriptive materials relating to school counseling and testing services and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all manuals, procedural guidelines or other documents pertaining to the responsibilities/job functions of counseling personnel and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all counseling and testing instruments (and procedures for their use) and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all counseling materials and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all course enrollments by sex and a description of procedures used to ensure that course enrollments found to be disproportionate (which are 80% or above students of one sex) are not due to sex discrimination in counseling or counseling materials? Yes ☐ No ☐

- Have all agency/district policies regarding the provision of counseling and testing services been reviewed and modified where necessary to ensure compliance with Title IX? Yes ☐ No ☐

- Have all descriptive materials relating to counseling and testing services provided by the agency/district been reviewed and modified where necessary to ensure compliance with Title IX? Yes ☐ No ☐

- Have all district/agency manuals, procedural guidelines, or other documents pertaining to the responsibilities/job functions of counseling personnel been reviewed and modified where necessary to ensure compliance with Title IX? Yes ☐ No ☐

- Have criteria been developed and/or disseminated by which persons with the responsibility for the selection/purchasing of tests, appraisal instruments, and counseling materials shall evaluate such instruments to determine compliance with Title IX? Yes ☐ No ☐

- Have directives been issued and/or training provided regarding the nondiscriminatory use of tests or instruments currently employed in the district/agency? Yes ☐ No ☐

- Have all counseling materials currently employed in the district been reviewed and modified where necessary to ensure compliance with Title IX? Yes ☐ No ☐

- Has every building administrator submitted all required data and assurances to the central office according to the specified timeline? Yes ☐ No ☐

COUNSELING

Building Administrators (Principals/Supervisors)

- Has a policy directive regarding the specific implications of Title IX for counseling policies and practices, counseling instruments, and counseling materials been developed and disseminated to all counselors/members of the counseling staff? Yes ☐ No ☐

- Have you requested that all building staff submit information concerning any instances of sex discrimination that they may identify in counseling policies or practices, counseling instruments and counseling materials? Yes ☐ No ☐

- Have records of counseling contacts for the current school year (or, if these records are unavailable, of a sample two-week period) been reviewed to identify possible differential provision of student counseling services on the basis of sex? Yes ☐ No ☐

- Have all counselors received information and/or training regarding the nondiscriminatory use and interpretation of tests and counseling instruments administered by the school? Yes ☐ No ☐

- Have you prepared the following and submitted them to the central administration according to specified format and timelines:

  –assurances of review of all school policies and program plans relating to the provision of counseling and testing services and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all descriptive materials relating to school counseling and testing services and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all manuals, procedural guidelines or other documents pertaining to the responsibilities/job functions of counseling personnel and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all counseling and testing instruments (and procedures for their use) and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all counseling materials and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all course enrollments by sex and a description of procedures used to ensure that course enrollments found to be disproportionate (which are 80% or above students of one sex) are not due to sex discrimination in counseling or counseling materials? Yes ☐ No ☐

COUNSELING

Building Staff (Counselors)

- Have you familiarized yourself with the implications of Title IX requirements for nondiscrimination in the counseling process, in counseling instruments and their use, and in counseling materials? Yes ☐ No ☐

- Have you reviewed records of your counseling contacts by sex of student, source of initiation, and nature of contact, to identify possible evidence of sex bias in the provision of counseling services? Yes ☐ No ☐

- Do you encourage all students to make academic, career and personal decisions on the basis of individual abilities, interests and values rather than on the basis of sex? Yes ☐ No ☐

- Have you reviewed all counseling instruments used in your school to determine sources of sex bias? Yes ☐ No ☐

- Have you familiarized yourself with and applied techniques for the nondiscriminatory administration and interpretation of counseling instruments used in your school? Yes ☐ No ☐

- Have you reviewed all counseling materials used in your counseling programs or activities for sources of sex bias and modified these materials where necessary to achieve compliance with Title IX? Yes ☐ No ☐

- Have you submitted to your building administrator or supervisor information concerning any instances of sex discrimination that you have identified in counseling policies or practices, in counseling instruments, or in counseling materials? Yes ☐ No ☐

THE TREATMENT OF STUDENTS

The Regulation

In prohibiting discrimination on the basis of sex in the treatment of any student in an education program or activity, §86.31(a) of the Regulation implementing Title IX generally provides that:

> *no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives or benefits from Federal financial assistance.*

§86.31(b) specifically requires that:

> *in providing any aid, benefit or service to a student a recipient shall not, on the basis of sex:*
>
> *1) treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;*
>
> *2) provide different aid, benefits, or services or provide aid, benefits, or services in a different manner;*
>
> *3) deny any person any such aid, benefit, or service;*
>
> *4) subject any person to separate or different rules of behavior, sanctions, or other treatment;*
>
> *5) discriminate against any person in the application of any rules of appearance;* . . . [6 is omitted as not relevant to local education agencies];
>
> *7) aid or perpetuate discrimination against any person by providing significant assistance to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or service to students;*
>
> *8) otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.*

According to §86.31(d), these provisions prohibiting discrimination also apply to programs not operated by the recipient. They apply to:

> *any recipient which requires participation by any applicant, student, or employee in any education program or activity not operated wholly by such recipient, or which facilitates, permits, or considers such participation as part of or equivalent to an education program or activity operated by such recipient, including participation in educational consortia and cooperative employment and student teaching assignments.*

In order to ensure compliance with these provisions, a recipient agency or institution:

(i) shall develop and implement a procedure designed to assure itself that the operator or sponsor of such other education program or activity takes no action affecting any applicant, student, or employee of such recipient which this Part would prohibit such recipient from taking; and

(ii) shall not facilitate, require, permit or consider such participation if such action occurs.

The Title IX Regulation further specifies prohibitions of sex discrimination in the treatment of students in the following areas:

§86.38 Employment assistance to students

(a) Assistance by recipient in making available outside employment

A recipient which assists any agency, organization or person in making employment available to any of its students:

1) shall assure itself that such employment is made available without discrimination on the basis of sex; and

2) shall not render such services to any agency, organization, or person which discriminates on the basis of sex in its employment practices.

(b) Employment of students by recipients. A recipient which employs any of its students shall not do so in a manner which violates [the employment provisions of the Regulation].

§86.39 Health insurance benefits and services

In providing a medical, hospital, accident, or life insurance benefit, service, policy or plan to any of its students, a recipient shall not discriminate on the basis of sex, or provide such benefit service, policy, or plan in a manner which would violate. . . [the employment portion of the Regulation] *if it were provided to employees of the recipient. This section shall not prohibit a recipient from providing any benefit or service which may be used by a different proportion of students of one sex than of the other, including family planning services. However, any recipient which provides full coverage health service shall provide gynecological care.*

Title IX also prohibits sex discrimination in the provision of financial assistance to students and in policies or practices relating to student marital or parental status. The sections of the Regulation governing these aspects of student treatment will be covered in separate sections of this document.

The Title IX Regulation *does not* prohibit the differential treatment of students regarding use of locker room and toilet facilities; it *does* require that such facilities be comparable for each sex.

§86.33 Comparable facilities.

A recipient may provide separate toilet, locker room, and shower facilities on the basis of sex, but such facilities provided for students of one sex shall be comparable to such facilities provided for students of the other sex.

The Issue

The basic intent of those portions of the Title IX Regulation which prohibit sex discrimination in the treatment of students outside classroom or counseling situations is to ensure that females and males are provided equal benefits, opportunities and responsibilities throughout the many diverse extra-academic policies and programs within a school or education agency. Sex differentiation in any program or activity not only denies or limits the access of students to the benefits of that program or activity itself, but it also institutionalizes and reinforces stereotyped expectations which may limit the development of the skills and aspirations of both female and male students.

Such institutionalized sex differentiation comprises a "hidden curriculum" which may substantially influence students' academic, career and personal options and choices. Through the benefits and services they offer, schools may substantially influence students' exploration of academic, career and personal options. For example, by providing insurance coverage of athletic injuries which is restricted to male students, an education agency may discourage females from participating in intramural or competitive athletics. Job placement services for students which permit the indication of a sex preference on job listings deliver explicit messages to students as to appropriate vocational expectations. Sex-segregated honor societies may reinforce stereotyped concepts of appropriate areas of excellence for males and females, and reflect a larger structure of sex-differentiated societal rewards. Through rules regarding the conduct or appearance of students which establish different standards for males and females, schools further exemplify such a sex-differentiated reward structure. For example, codes of dress which either explicitly or through their application prohibit long hair for males or the wearing of slacks by females serve to maintain separate male and female systems of expectation and reinforcement. Such phenomena are discriminatory in and of themselves. Further, these examples highlight the ways in which traditional sex-role stereotypes may be incorporated into institutional policies and programs until they shape and maintain an environment which discriminates against male and female students on the basis of sex and limits the full development of both.

The requirements of the Title IX Regulation address such elements of institutional policy and program which discriminate on the basis of sex in the extra-academic programs of an education agency. Prohibited are:

- **Sex discrimination in the provisions of aid, benefits, or services to students.**

All aid, benefits, and services must be provided equally to males and females. It would thus be illegal for a school or local education agency to:

–provide differential insurance benefits (medical, life, hospital, accident, etc.). (If medical insurance covers injuries received by males during participation in competitive athletics, it must cover females injured under the same circumstances.)

–provide full coverage health services to males without providing basic gynecological care for females.

–treat female and male students differently in agency/school employment.

–operate or sponsor employment assistance or job placement services which list requests for employment referral by sex.

–operate separate extracurricular activities for male and female students. This includes such activities as Future Farmers of America, Future Homemakers of America, drill

teams, cheerleaders, glee clubs and choruses (which *may* be organized on the basis of vocal range), pep clubs, stage crews, audio visual aides, crossing guards, hall monitors, and pupil aides.

–bestow honors or awards on the basis of sex. For example, if letters are awarded to male athletes, then they must be awarded to female athletes. Honor societies and letter clubs must be open equally to female and male students. Awards may not be given to the "outstanding boy" and "outstanding girl"; they must be presented to outstanding students selected on the basis of objective criteria. Such students may be either male or female. Criteria for selection of students for honors must be the same for students of both sexes. For example, it is discriminatory to establish a higher grade point average for members of one sex than for the other for eligibility for honor society membership.

–permit the use of school facilities (such as music rooms, art studios, home economics classrooms, or shops) by male or female students differentially, according to different criteria, or under different conditions. If a girl may use a sewing machine without supervision, then a boy must have the same option. If a boy may have unlimited use of the metal shop, then the girl student must have similar use.

–or to otherwise differentiate between females in the provision of aid, benefits or services

- **Sex discrimination in rules of behavior, sanctions, or other treatment, or in the application of such rules.**

Included are such regulations as those governing length of hair, the wearing of blue jeans, smoking, using profanity, etc. Not only must such rules be the same for males and females, but they must be applied without regard to sex. Penalties and punishments for violations must be the same for females and males. If males are suspended for smoking, females should be suspended under the same conditions.

These are only a few examples of the discriminatory treatment of male and female students prohibited under Title IX. It is the intent of the Title IX Regulation to require the review of *all* institutional policies and programs which affect the treatment of students in extra-academic activities and programs.

Self-Evaluation: An Outline

In order to assess and evaluate present compliance with the requirements of the Title IX Regulation for nondiscrimination in the treatment of students and to plan necessary modifications, it will be necessary to:

Review the following materials:

Those pertaining to aid, benefits, or services provided to students, including:

- copies of student handbooks
- descriptions of all student services (whether provided by the education agency or by an outside organization or individual), including but not limited to health, employment, and services for special needs
- copies of all contractual or other agreements pertaining to the provision of aid, benefits, or services to students by outside organizations or individuals
- copies of all medical, hospital, accident or life insurance plans or policies made available to students
- copies of any policies, statements, or contractual agreements regarding employment assistance to students whether provided by the education agency or an outside organization or individual
- copies of all materials describing student honors and awards and establishing criteria for student eligibility and selection
- copies of all descriptive materials relating to extracurricular activities provided for students and policies affecting student participation
- copies of all materials describing any special services provided by the education agency (e.g., homebound instruction or institutional care for the mentally retarded) and establishing criteria for student eligibility for such services
- copies of all policies regarding student use of school/agency facilities—shops, sewing and cooking facilities, music practice rooms, typing and office equipment rooms, etc.

Those establishing rules of behavior, sanctions, or other treatment, including:

- copies of student handbooks
- copies of any policies or statements setting forth rules or regulations governing student behavior or appearance
- copies of any policies or statements setting forth rules or regulations governing discipline, punishments, or penalties

Collect the following data:

Those relating to the provision of aid, benefits, or services to students, including:

- records of student employment or employment referrals by the agency or institution for the past and current school years by:

  –nature of request for student referral
  –sex of student employee or applicant
  –outcome of referral or application
  –job assignment
  –salary/compensation

- records of prizes, honors, or awards conferred upon students by the school/agency or by an outside organization or individual for the past and current school years by:

  –sex of recipient
  –nature/type of award
  –description of school or agency participation in nomination and selection of recipient and statement of criteria used

- listing of all extracurricular activities available to students (whether provided by the school/education agency or an outside agency), according to:

  –name of activity
  –description of activity
  –criteria for student participation
  –meeting times
  –facilities used
  –school/agency personnel involved

- if the education agency provides special services to students (e.g., tuition grants for institutional care for the mentally retarded), records of services provided by:

  –sex of student
  –service received

- descriptions (regarding numbers and conditions) of toilet, locker room, and shower facilities provided for students of each sex

Those pertaining to the application of rules of behavior, sanctions, or other treatment

- records of disciplinary actions taken against students during the past and current academic years, by:

  –sex of student
  –nature of offense
  –type of action taken

Determine compliance by answering the following questions:

With regard to the provision of aid, benefits, and services:

- Are aid, benefits, or services provided equally to male and female students?

–Are eligibility requirements for all student aid, benefits, and services identical for male and female students?

–Is the nature, quality and quantity of aid, benefits, and services provided identical for male and female students?

–Are no students denied any aid, benefit or service on the basis of sex?

–Have all organizations or individuals who provide aid, benefits or services to students under contract with or sponsorship of the district submitted assurances of nondiscrimination on the basis of sex?

- Are all medical, hospital, accident and life insurance policies or plans provided equally to all students without differentiation in coverage, benefits, or eligibility on the basis of sex?

- Are all health services provided equally to students without regard to sex?

–If full coverage health services are provided to students, are basic gynecological services provided for females?

- Is employment and job placement assistance provided to students without regard to sex?

–If the school/education agency employs students, are all employment policies and practices (recruitment, hiring, job assignment, compensation, promotion) developed and applied without regard to sex?

–Have all agencies, organizations or individuals whom the school assists or sponsors in making employment available to students submitted assurances of nondiscrimination on the basis of sex?

–Are requests for referrals of potential student employees made without specification of sex?

–Do reviews of records of student employment referrals indicate nondiscrimination by sex in patterns of:

–hiring?
–job assignment?
–salaries?
–promotions?

–Are student employment referrals made without regard to sex?

–Are student employment listings made without sex specification or restriction of student eligibility by sex?

- Are prizes, honors, and awards conferred upon students without differentiation on the basis of sex?

–When male and female students receive honors or awards for their performance in identical areas, are the honors or awards conferred identical?

–Are all honors, prizes, and awards free of gender labels?

–Are the criteria and selection procedures for honors, prizes, and awards developed and applied without regard to sex?

–Is membership in all honorary societies or clubs open to students without regard to sex?

- Are all extracurricular activities conducted, operated, sponsored, or supported by the education agency or school operated without differentiation on the basis of sex?

  –Is participation in all extracurricular activities open equally to both females and males?

  –Are male and female participants treated equally in all extracurricular activities?

- If the education agency provides special services to students (e.g., homebound instruction or tuition grants for institutional care for the mentally retarded), are these provided without regard to sex?

- Are all school facilities equally available for use by female and male students?

  –According to the same criteria?
  –Under the same conditions?
  –During comparable time intervals?

- Are toilet, locker room, and shower facilities provided in comparable numbers and condition to students of each sex?

With regard to rules of behavior, sanctions, or other treatment:

- Are the rules and regulations regarding the behavior of students the same for males and females?

- Are the standards employed for determining compliance with these rules the same for males and females?

- Are the punishments or penalties imposed for violations of such rules the same for males and females?

  –According to policy?
  –According to practice?

- Are the rules and regulations concerning student appearance (attire, hair length, etc.) the same for males and females?

If you have answered "no" to any of these questions, you will need to undertake modifications and remedial steps to achieve compliance with Title IX.

Self-Evaluation–Action Checklists

Self-evaluation is a process involving staff at all levels of the institution or agency. The following checklists provide general suggestions to personnel at the central administrative, building administrative and building staff levels as to procedures and review questions which facilitate effective evaluation of compliance with Title IX requirements for nondiscrimination in the treatment of students. **(Note: These checklists are procedural only; substantive criteria for evaluating compliance are provided in the preceding section, "Self-Evaluation: An Outline.")**

Central Office Staff

- Has a policy statement been issued which affirms the right of all students to equal treatment (including aid, benefits, services and application of rules and regulations) without regard to sex? Yes ☐ No ☐

- Has a policy directive regarding the specific implications of Title IX for the treatment of students (including but not limited to such areas as insurance benefits, health services, employment assistance, honors and awards, extracurricular activities, behavior codes and dress codes) been developed and disseminated to all administrators and relevant staff? Yes ☐ No ☐

- Have forms, procedures and timelines been developed and disseminated for submission to the central office by building administrators of:

  –assurances of notification to all organizations or individuals providing services, benefits or aid to students which are sponsored or administered by the school of the school's obligation to comply with Title IX and the receipt of compliance assurances from all organizations or individuals so notified? Yes ☐ No ☐

  –assurances of review of all student health services and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all policies and/or agreements pertaining to the employment of students by the school or by outside organizations or individuals and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all policies and/or programs relating to student honors and awards and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all policy and descriptive materials relating to extracurricular activities administered, operated or sponsored by the school and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all policy and descriptive materials relating to any special student services provided by the school and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

–assurances of review of all policies pertaining to student use of school facilities and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

–assurances of review of all policies or regulations regarding student behavior and dress and any sanctions related to the enforcement of these policies or regulations and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

–assurances of review of any other school policies pertaining to the treatment of students and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

- Have all organizations or vendors providing services, benefits or aid to students which are sponsored or administered by the education agency been notified of the agency's policy of compliance with Title IX and have they submitted assurances of their own compliance? Yes ☐ No ☐

- Have all agency policies and materials pertaining to student health services and programs been reviewed and modified where necessary to ensure compliance with Title IX? Yes ☐ No ☐

- Have all policies, statements or contractual agreements regarding medical, hospital, life or accident insurance plans made available to students by the education agency been reviewed and modified where necessary to ensure compliance with Title IX? Yes ☐ No ☐

- Have all agency policies, statements or contractual agreements regarding employment assistance to students, whether provided by the district or by an outside individual or organization, been reviewed and modified where necessary to ensure compliance with Title IX? Yes ☐ No ☐

- Have all agency-administered honors and awards policies and programs been reviewed and modified where necessary to ensure compliance with Title IX? Yes ☐ No ☐

- Have all descriptive and policy materials pertaining to student extracurricular activities and programs been reviewed and modified where necessary to ensure that those activities and programs administered, sponsored, or operated by the education agency are in compliance with Title IX? Yes ☐ No ☐

- Have all descriptive and policy materials pertaining to any special student services provided by the district been reviewed and modified where necessary to ensure compliance with Title IX? Yes ☐ No ☐

- Have all descriptive and policy materials pertaining to student use of district facilities been reviewed and modified where necessary to ensure compliance with Title IX? Yes ☐ No ☐

- Have all other district policies relating to the treatment of students (other than those pertaining to course access, counseling, athletics,

financial assistance and student marital and parental status, which are considered elsewhere) been reviewed and modified where necessary to ensure compliance with Title IX? Yes ☐ No ☐

- Have all district policies regarding the behavior of students and the penalties or punishments to be imposed for student violations been reviewed and modified where necessary to ensure compliance with Title IX? Yes ☐ No ☐

- Have all district policies regarding student dress or appearance been reviewed and modified where necessary to ensure compliance with Title IX? Yes ☐ No ☐

- Has every building administrator submitted all required data and assurances to the central office according to the specified time-line? Yes ☐ No ☐

Building Administrators (Principals/Supervisors)

- Has a policy directive regarding the specific implications of Title IX for the treatment of students (including but not limited to such areas as insurance benefits, health services, employment assistance, honors and awards, extracurricular activities, behavior codes and dress codes) been developed and disseminated to all staff? Yes ☐ No ☐

- Have you requested that all building staff submit information concerning any instances of sex discrimination that they may identify in policies, practices or materials relating to the treatment of students (including but not limited to such areas as insurance benefits, health services, employment assistance, honors and awards, extracurricular activities, behavior codes and dress codes)? Yes ☐ No ☐

- Have you prepared the following and submitted them to the central administration according to the specified timelines:

  –assurances of notification to all organizations or individuals providing services, benefits or aid to students which are sponsored or administered by the school of the school's obligation to comply with Title IX and the receipt of compliance assurances from all organizations or individuals so notified? Yes ☐ No ☐

  –assurances of review of all student health services and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all policies and/or agreements pertaining to the employment of students by the school or by outside organizations or individuals and modifications where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all policies and/or programs relating to student honors and awards and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all policy and descriptive materials relating to extracurricular activities administered, operated or sponsored by the school and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all policy and descriptive materials relating to any special services provided by the school and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all policies pertaining to student use of school facilities and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all policies or regulations regarding student behavior and dress and any sanctions related to the enforce-

ment of these policies or regulations and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

–assurances of review of any other school policies pertaining to the treatment of students and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

THE TREATMENT OF STUDENTS

Building Staff (Instructors/Counselors/Student Personnel Workers)

- Have you familiarized yourself with the implications of the Title IX Regulation for your activities or programs affecting the treatment of students in the:

  –provision of health services? Yes ☐ No ☐

  –provision of employment or job placement assistance? Yes ☐ No ☐

  –bestowing of honors or awards? Yes ☐ No ☐

  –provision, sponsorship or supervision of extracurricular activities and programs? Yes ☐ No ☐

  –development or implementation of policies concerning student use of school facilities? Yes ☐ No ☐

  –development or implementation of rules, regulations or sanctions governing student behavior? Yes ☐ No ☐

  –development or implementation of rules, regulations or sanctions governing student dress or appearance? Yes ☐ No ☐

  –other relevant areas (specify)_____ Yes ☐ No ☐

  (Check only those relevant to your personal responsibilities and activities.)

- Have you reviewed all of your programs, activities and materials related to the treatment of students (in those areas checked above) and modified them where necessary to ensure that all students are treated equally–provided identical aid, benefits or services according to the same criteria–and without regard to sex as required by Title IX? Yes ☐ No ☐

- Have you submitted to your building administrator or supervisor information concerning any instances of discrimination you have identified in policies, practices or materials relating to the treatment of students? Yes ☐ No ☐

STUDENT MARITAL OR PARENTAL STATUS

The Regulation

§86.40 of the Regulation implementing Title IX establishes requirements for nondiscrimination on the basis of sex in policies or practices relating to student marital or parental status:

> *§86.40 Marital or parental status.*
>
> *(a) Status generally. A recipient shall not apply any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex.*
>
> *(b) Pregnancy and related conditions.*
>
> *(1) A recipient shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extra-curricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the program or activity of the recipient.*
>
> *(2) A recipient may require such a student to obtain the certification of a physician that the student is physically and emotionally able to continue participation in the normal education program or activity so long as such a certification is required of all students for other physical or emotional conditions requiring the attention of a physician.*
>
> *(3) A recipient which operates a portion of its education program or activity separately for pregnant students, admittance to which is completely voluntary on the part of the student as provided in subparagraph (1) of this paragraph, shall ensure that the instructional program in the separate program is comparable to that offered to nonpregnant students.*
>
> *(4) A recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom in the same manner and under the same policies as any other temporary disability with respect to any medical or hospital benefit, service, plan or policy which such recipient administers, operates, offers, or participates in with respect to students admitted to the recipient's educational program or activity.*
>
> *(5) In the case of a recipient which does not maintain a leave policy for its students, or in the case of a student who does not otherwise qualify for leave under such a policy, a recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom as a justification for a leave of absence for so long a period of time as is deemed medically necessary by the student's physician, at the conclusion of which the student shall be reinstated to the status which she held when the leave began.*

The Issue

Differential treatment of males and females on the basis of marital and/or parental status is a common source of inequality in educational opportunity. One form of such inequality is the

treatment frequently afforded pregnant students. Every year more than 200,000 young women under 18 give birth to children.[1] A large percentage of these young women are expelled from school or pressured to withdraw at the first signs of pregnancy. The impact of student pregnancy on education and life outcomes is severe. Although some districts have offered specialized programs for pregnant students, a 1970 study indicated that only one-third of the nation's 17,000 school districts offered pregnant school-age students any education at all.[2] Statistics indicate that 85 out of every 100 pregnant students who leave school never return.[3] It is often this group of students, faced with child support and child-rearing problems, who are most in need of education and career-related skills.

Policies of expulsion or mandatory segregation of pregnant students from the ongoing education programs of a school or district are frequently based on rationales such as the moral protection of non-pregnant students, or the protection of the health and psychological well-being of the pregnant student. The validity of these arguments is questionable. There is no evidence to suggest that the pregnancy of a single student is likely to influence the behavior of other students. Participation in education programs is not likely to pose health risks to the individual beyond those encountered in the normal activities of life. Procedures exist in most school systems for individualizing the treatment of students with other health conditions; these procedures could be adapted to meet the needs of pregnant students in those few instances where specific risks may be involved (e.g., in strenuous sports programs). Decisions about the physical or psychological protection of the pregnant student must be based on situational and individual factors, not on a general policy of expulsion.

The Title IX Regulation addresses such discrimination against pregnant students; it prohibits requirements for their compulsory participation in or exclusion from any education programs, classes, or extracurricular activities. School systems are permitted to operate special schools, classes, or programs for pregnant students, but participation in any of these must be voluntary—it must be at the request of the student. No student may be forced to select between participation in such a program or leaving school. Instruction provided in special schools or programs for pregnant students must be comparable to that provided in regular education programs.

If a pregnant student finds it necessary to be homebound during portions of her pregnancy, she must be provided with the same services provided to students who are homebound for other medical reasons. Further, if the educational program requires participation in courses or activities that are medically inadvisable for a pregnant student, she must be excused for medical reasons if students are granted exemptions for other medical reasons. Medical certification may be a condition for the continuing participation of pregnant students only if medical certification is so required of other students with temporary medical conditions. No additional information or medical certification or procedures may be required for pregnant students.

When a school district has no services or programs for homebound or temporarily disabled students, it must treat pregnancy as a justification for a leave of absence for a reasonable period of time. Upon return to school, the student must be reinstated in the program with the status held when the leave began.

Release of information about student pregnancy should be handled in the same manner as information regarding other student health concerns.

Similarly, marital status may not be used as the basis for differential treatment of males and females in education programs—in assigning students to classes, in applying rules of behavior, in determining eligibility for participation in extracurricular activities, or in bestowing honors or awards. Any rules regarding student treatment or access to education programs or activities made on the basis of marital or parental status of students must be applied equally to male and

female students. (For example, it would thus be illegal to generally prohibit the participation of pregnant females in extracurricular activities unless the participation of the prospective fathers is likewise prohibited.)

Footnotes

1. National School Public Relations Association, *Schoolgirl Pregnancy: Old Problem, New Solutions.* Washington, D.C.: NSPRA, 1972, p. 1.

2. *Ibid.*, p. 6.

3. *Ibid.*, pp. 6-11.

STUDENT MARITAL OR PARENTAL STATUS

Self-Evaluation: An Outline

In order to assess and evaluate present compliance with the requirements of the Title IX Regulation for nondiscrimination on the basis of sex with regard to student marital or parental status and to plan necessary modifications, it will be necessary to:

Review the following materials:

- copies of any policies, regulations or guidelines regarding the treatment of married or pregnant students
- copies of materials which describe the instructional content and services provided in special courses, schools, or other programs for pregnant students
- copies of any policies, regulations, or guidelines regarding the treatment of students with temporary disabilities and medical certification of students with such disabilities
- copies of any policies, regulations, or guidelines regarding the provision of any available homebound services
- copies of student handbooks or other materials which provide students with information regarding medical certification in circumstances of temporary disability and rules or regulations concerning marital and parental status

Collect the following data:

- numbers of pregnant students and their enrollment in educational programs:

  –ongoing school programs
  –special programs for pregnant students

- numbers of students who have dropped out of school due to pregnancy or childbirth during the current school year
- numbers of pregnant students who have utilized homebound services (if such services exist) during the current school year
- numbers of pregnant students who have interrupted educational programs and re-entered during the current school year
- numbers of pregnant students who have remained in the regular school program during the current school year

Determine compliance by answering the following questions:

- Are all rules related to student marital status applied equally to male and female students?
- Are pregnant students provided access to all schools, educational services, programs, and activities provided to non-pregnant students?
- Are student policies and rules applied uniformly for pregnant students and other students?

- Are the criteria for student honors and awards free from any conditions of marital or parental status which differentiate on the basis of sex?

- When special schools, courses, and programs are provided for pregnant students, is participation in such schools, courses, or programs voluntary?

- When special schools, programs, or courses are provided for pregnant students, are these comparable in curriculum to those provided non-pregnant students in regular schools or programs?

- If homebound services are provided for students with medical disabilities, are they equally available to pregnant students for reasons of medical disability?

- Are policies regarding temporary leave of absence from school due to medical disabilities applied to pregnant students in the same manner as to students with any other medical disability?

- Is medical certification for leave of absence, for continued participation in, or for exemption from school activities due to pregnancy handled in the same manner as for other medical disabilities?

If you have answered "no" to any of these questions, you will need to undertake modifications or remedial steps to achieve compliance with Title IX.

STUDENT MARITAL OR PARENTAL STATUS

Self-Evaluation: Action Checklists

Self-evaluation is a process involving staff at all levels of the institution or agency. The following checklists provide general suggestions to personnel at the central administrative, building administrative, and building staff levels as to procedures which facilitate effective evaluation of compliance with Title IX requirements for nondiscrimination on the basis of sex in policies or practices relating to student marital or parental status. **(Note: These checklists are procedural only; substantive criteria for evaluating compliance are provided in the preceding section, "Self-Evaluation: An Outline.")**

Central Office Staff

- Has a policy statement been issued which prohibits discrimination on the basis of sex in policies, programs, or practices relating to student marital or parental status? Yes ☐ No ☐

- Has a policy directive regarding the specific implications of Title IX for agency policies, programs, or practices relating to student marital or parental status been disseminated to administrators and relevant staff? Yes ☐ No ☐

- Have forms, procedures, and timelines been developed for submission to the central office by all building administrators of:

  –assurances of review of school policies relating to participation by married or pregnant students in instructional programs, and modification where necessary to ensure compliance with Title IX, including those policies relating to:

    –the access of pregnant students to all ongoing instructional programs? Yes ☐ No ☐

    –the voluntary nature of participation in any special programs or courses for pregnant students? Yes ☐ No ☐

    –the comparability of any special programs for pregnant students with the programs provided to non-pregnant students? Yes ☐ No ☐

  –assurances of review of school policies relating to the participation of married or pregnant students in extracurricular programs and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of school policies relating to student services and modification where necessary to ensure compliance Title IX, including those policies relating to:

    –the availability of homebound instruction for pregnant students (where such services are available to students for other medical reasons)? Yes ☐ No ☐

–the availability of temporary leaves of absence for pregnant students? Yes ☐ No ☐

–the medical certification of pregnant students for leaves of absence, for participation in, or for exemption from school activities? Yes ☐ No ☐

–assurances of review of descriptive materials issued by the school (including student handbooks) relating to the participation of married or pregnant students in instructional or extracurricular programs and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

- Have all agency policy and program guidelines been reviewed and modified where necessary to ensure compliance with Title IX requirements for nondiscrimination on the basis of sex with regard to student marital or parental status:

  –policy and program guidelines regarding instructional programs, including those relating to:

    –the access of pregnant students to all agency instructional programs? Yes ☐ No ☐

    –the conditions of participation by pregnant students in any special schools, programs, or courses provided by the agency for their needs? Yes ☐ No ☐

    –the curriculum and services provided in any special schools, programs, or courses provided for pregnant students? Yes ☐ No ☐

  –policy and program guidelines regarding the participation of married or pregnant students in extracurricular programs? Yes ☐ No ☐

  –policy and program guidelines regarding student services and policies, including those relating to:

    –the availability of homebound instruction for pregnant students? Yes ☐ No ☐

    –the availability of temporary leaves of absence for pregnant students? Yes ☐ No ☐

    –medical certification of pregnant students? Yes ☐ No ☐

- Have all descriptive materials issued by the agency (including student handbooks) relating to the participation of married or pregnant students in instructional and extracurricular programs been reviewed and modified where necessary to reflect compliance of agency policies and programs with Title IX requirements? Yes ☐ No ☐

- Has every building administrator submitted all required data and assurances to the central office according to the specified timeline? Yes ☐ No ☐

STUDENT MARITAL OR PARENTAL STATUS

Building Administrators (Principals/Supervisors)

- Has a policy directive regarding the specific implications of Title IX for school policies, programs, and practices relating to student marital or parental status been disseminated to all instructors, counselors, and student personnel workers? Yes ☐ No ☐

- Have you requested that all building staff submit information concerning any instances of sex discrimination that they may identify in policies, programs, or practices relating to student marital or parental status? Yes ☐ No ☐

- Have you prepared the following and submitted them to the central administration according to specified format and timelines:

  - –assurances of review of school policies relating to participation by married or pregnant students in instructional programs, and modification where necessary to ensure compliance with Title IX, including those policies relating to:

    - –the access of pregnant students to all ongoing instructional programs? Yes ☐ No ☐

    - –the voluntary nature of participation in any special programs or courses for pregnant students? Yes ☐ No ☐

    - –the comparability of any special programs for pregnant students with the programs provided to non-pregnant students? Yes ☐ No ☐

  - –assurances of review of school policies relating to the participation of married or pregnant students in extracurricular programs and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  - –assurances of review of school policies relating to student services and modification where necessary to ensure compliance with Title IX, including those policies relating to:

    - –the availability of homebound instruction for pregnant students (if such services are available to other students for medical reasons)? Yes ☐ No ☐

    - –the availability of temporary leaves of absence for pregnant students? Yes ☐ No ☐

    - –the medical certification of pregnant students for leaves of absence, for participation in, or for exemption from school activities? Yes ☐ No ☐

  - –assurances of review of descriptive materials issued by the school (including student handbooks) relating to the participation of married or pregnant students in instructional or extracurricular programs and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

STUDENT MARITAL OR PARENTAL STATUS

Building Staff (Instructors/Counselors/Student Personnel Workers)

- Have you familiarized yourself with the implications of Title IX requirements for nondiscrimination in school policies, programs, and practices relating to student marital and parental status? Yes ☐ No ☐

- Are all school policies, programs, and practices for which you have responsibility in compliance with Title IX requirements for nondiscrimination on the basis of sex in student marital or parental status, including policies, practices, and programs relating to:

  –the access of pregnant students to educational programs? Yes ☐ No ☐

  –the participation of married or pregnant students in extracurricular activities? Yes ☐ No ☐

  –the provision of services to married or pregnant students? Yes ☐ No ☐

- Do you inform pregnant students with whom you deal of the alternatives available to them for their continuing participation in school/agency programs? Yes ☐ No ☐

- Have you reviewed any descriptive materials which you use relating to participation by married or pregnant students in school activities to ensure that they reflect compliance with Title IX requirements? Yes ☐ No ☐

- Have you submitted to your building administrator or supervisor information concerning any instances of sex discrimination that you have identified in policies, programs, or practices relating to student marital or parental status? Yes ☐ No ☐

ATHLETICS

The Regulation

§86.41 of the Title IX Regulation states that an institution or a district must develop and operate athletic programs according to the following specifications:

> *(a) General. No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club or intramural athletics offered by a recipient, and no recipient shall provide any such athletics separately on such basis.*
>
> *(b) Separate Teams. Notwithstanding the requirements of paragraph (a) of this section, a recipient may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport. However, where a recipient operates or sponsors a team in a particular sport for members of one sex but operates or sponsors no such team for members of the other sex, and athletic opportunities for members of that sex have been previously limited, members of the excluded sex must be allowed to try out for the team offered unless the sport involved is a contact sport. For the purposes of this Part, contact sports include boxing, wrestling, rugby, ice hockey, football, basketball and other sports the purpose or major activity of which involves bodily contact.*
>
> *(c) Equal Opportunity. A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics shall provide equal athletic opportunity for members of both sexes. In determining whether equal opportunities are available the Director will consider, among other factors:*
>
> *(i) whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes;*
> *(ii) the provision of equipment and supplies;*
> *(iii) scheduling of games and practice time;*
> *(iv) travel and per diem allowance;*
> *(v) opportunity to receive coaching and academic tutoring;*
> *(vi) assignment and compensation of coaches and tutors;*
> *(vii) provision of locker rooms, practice and competitive facilities;*
> *(viii) provision of medical and training facilities and services;*
> *(ix) provision of housing and dining facilities and services;*
> *(x) publicity.*
>
> *Unequal aggregate expenditures for members of each sex or unequal expenditures for male and female teams if a recipient operates or sponsors separate teams will not constitute noncompliance with this section, but the Director may consider the failure to provide necessary funds for teams for one sex in assessing equality of opportunity for members of each sex.*
>
> *(d) Adjustment Period. A recipient which operates or sponsors interscholastic. . .club or intramural athletics at the elementary school level shall comply fully with this section as expeditiously as possible but in no event*

later than one year from the effective date of this regulation. A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics at the secondary or post-secondary school level shall comply fully with this section as expeditiously as possible but in no event later than three years from the effective date of this regulation.

Additional specifications and explanatory information regarding this portion of the Regulation are provided in the Memorandum regarding the "Elimination of Sex Discrimination in Athletic Programs," issued by the Director, Office for Civil Rights, HEW, in September, 1975.

(Note: The section of the Regulation which deals with athletic scholarships is cited and discussed in the section of this document concerning financial aid.)

The Issue

One of the most visible areas of sex discrimination and inequality is the organization, operation and recognition of women's participation in athletics and competitive sports. Studies of the athletic programs of secondary schools and colleges document discrepancies in the nature and extent of programs, the availability of coaching services, and the equipment and facilities provided for men's and women's sports.[1]

The basic goals of athletic programs include:

- the provision of opportunities for the development of specialized physical skills;
- the provision of opportunities for the development of teamwork, fair play, leadership and fellowship skills in competitive situations;
- the provision of competitive opportunities to promote outstanding athletic performance.

These goals are equally valid and important for male and female students, yet many athletic programs are based on the presumption that sports and competition are not as important for women as for men. This presumption clearly functions to deny equality of opportunity to females as it becomes institutionalized in the structure and operation of athletic programs.

The overall objective of the Title IX Regulation provisions on athletics is not to ensure that males and females receive identical treatment but to ensure that both are provided equal opportunities to compete in athletics in a meaningful way. The Regulation addresses equality in the totality of an agency's or institution's athletic program, rather than in each individual sport.

The Regulation deals with several issues which pertain to equality of athletic opportunity.

(1) Financial Support

It is the *impact* of agency or school athletic expenditures which must be assessed in evaluating equality of opportunity and compliance with Title IX. Although equal aggregate expenditures are not required, the *pattern* of expenditures should not result in disparate effects on athletic opportunities for either females or males. Financial resources must be allocated as necessary to provide equipment, supplies, facilities, and opportunities for participation and competition which equally accommodate the athletic interests and abilities of both males and females. Equality of opportunity for both sexes must be provided without regard to possible differences in expenditures which might occur because of differences in equipment required or in spectator interest.

(2) Sex-Separated or Unitary Teams.

Although the Regulation generally requires that intramural, club or interscholastic athletics not be provided separately on the basis of sex, two exemptions are specified. Teams may be provided separately for females and males when the activity involved is a contact sport (these sports are specified by the Regulation) or when team membership is based upon selection for competitive skill. In such cases, teams may be provided either separately for males and females or on a unitary basis (accommodating both sexes).

Determination of whether a specific sport should be offered on a separate-team or unitary-team basis must be made according to the criterion of effective accommodation of the interests and abilities of members of both sexes. For example, if significant numbers of both males and females express an interest in a particular sport, but few women are able to quality for membership on a unitary team, their interests and abilities are *not* effectively accommodated through the provision of a unitary team. In such a situation, separate teams will be required, even if the sport involved is a contact sport. (See the September, 1975 Memorandum referred to in "The Regulation" portion of this section.)

Several additional points are important to an understanding of the regulatory requirements as they relate to the issue of team composition or eligibility.

- If an institution maintains only a single-sex team in a non-contact sport for which membership is based upon competitive skill, students of the sex for which no team is provided *must* be allowed to try out for membership on the single-sex team *if* overall athletic opportunities have been limited for members of the excluded sex. (For example, if there is a boys' swim team, interested girls must be allowed to try out for that team provided that overall athletic opportunities for girls have been limited. By contrast, if there is a girls' archery team but no boys' archery team, interested boys may not try out for the girls' team unless boys' total opportunities for participation in competitive sports have been more limited than girls'.)

- Students may not be excluded on the basis of sex from participation in a sport offered at the intramural, club, or interscholastic team level, even though it may be a contact sport or a sport in which teams are selected on the basis of competitive skill, if sufficient interest exists among members of the sex that would otherwise be excluded to form a separate team and if there are fewer opportunities for members of that sex to participate in athletics at the level of competititon in question.

- Teams in non-contact sports for which selection is based on interest rather than skill (usually intramural teams) may not limit membership to students of one sex.

- If teams are provided on a sex-separated basis, these teams may not be subject to sex-differentiated regulations (not including game rules), particularly with respect to scheduling, supervision, or criteria for eligibility, including medical examination or scholastic average.

- The length of a season, including the number of opportunities to compete and the number of opportunities to compete before an audience may not differ for boys' and girls' teams in the same sport. Competitive events in the same sport may, however, be scheduled at different times. (For example, the girls' golf team may compete in the fall while the boys' golf team competes in the spring, or girls' basketball may be scheduled on Friday night and boys' on Saturday morning.)

(3) Assignment/Availability of Coaches and Related Services

The Regulation prohibits differentiation on the basis of sex in the assignment and compensation of coaches and tutors. Accordingly, students may not be denied coaching, training or other supervision (except in locker rooms) by a person of the opposite sex. Similarly (as provided in the employment requirements of the Regulation), a person may not be prohibited from coaching, instructing, training or otherwise supervising (except in locker rooms) students of the opposite sex.

The Regulation does not address the administrative structures maintained by institutions providing athletic programs. Agencies or institutions may maintain either separate administrative structures for boys' and girls' sports (if separate teams exist) or a unitary structure. The current administrative structure and any proposed changes must, however, be carefully assessed for any disproportionately adverse effect on employees of one sex when agencies evaluate their compliance with the employment section of the Regulation.

(4) Factors to Be Used in Assessing Equality of Opportunity

Agencies are required to evaluate their total athletic program to determine whether or not it effectively accommodates the interests and abilities of members of both sexes. Factors which should be considered in this evaluation are specified by the Regulation:

- the nature and extent of the sports programs offered and their accommodation of the interests and abilities of males and females in both sports and levels of competition offered;
- the provision of equipment and supplies;
- the scheduling of games and practice time;
- the provision of travel and per diem allowances;
- the nature and extent of the opportunity to receive coaching and academic tutoring;
- the assignment and compensation of coaches and tutors;
- the provision of locker room, practice, and competitive facilities;
- the provision of medical and training facilities and services;
- the provision of housing and dining facilities and services;
- the nature and extent of publicity.

Agencies are not limited to these factors in their self-evaluation; rather they should consider any and all factors which bear on equality of opportunity in their total programs.

(5) Adjustment Periods

The Regulation requires that by July 21, 1976, all agencies evaluate current policies and practices (including those related to athletic programs) to determine their compliance with the requirements of the Regulation, and, where these policies or practices are inconsistent with these requirements, undertake modifications to achieve compliance.

With respect to the attainment of total compliance in athletic programs, the Regulation establishes specific time limitations. Elementary schools must be in full compliance no later than July 21, 1976; secondary schools no later than July 21, 1978. These time specifications establish adjustment periods, *not* waiting periods. Compliance must take place as expeditiously as possible; all possible modifications must be completed immediately. Adjustment periods may be utilized *only* when specific barriers to immediate compliance have been identified and steps and timelines for their elimination have been developed. (Lack of a female coach to supervise the locker room for female students is *not* an example of a barrier which justifies delay.) Adjustment period activities might involve such things as staff training, program revision, rescheduling, and the construction or renovation of facilities.

Footnote

1. "Revolution in Women's Sports," *womenSports,* September, 1974.

   "Quality and Equality: A Study of Sex Bias in the Fairfax County Public Schools," Fairfax County Commission on Women, Fairfax, Virginia.

   "Report of the Physical Education Task Force," Committee to Study Sex Discrimination in the Kalamazoo Public Schools, 1220 Harvard Street, Kalamazoo, Michigan.

   "A Study of Sex Discrimination in the Dallas Independent School District," Dallas Women's Coalition, 7303 Wood Hollow #504, Austin, Texas.

   "Unsportsmanlike Conduct: A Report of Physical Education and Extra-Curricular Sports in the Westfield Public Schools," Union County, New Jersey NOW Task Force on Education, 47 Wabeno Avenue, Springfield, New Jersey.

ATHLETICS

Self-Evaluation: An Outline

In order to assess and evaluate present compliance with the requirements of the Title IX Regulation for nondiscrimination in athletics, it will be necessary to:

Review the following materials:

- all listings or descriptive materials regarding athletic programs or offerings
- copies of all policy materials relating to the operation or administration of athletic programs or teams
- all policies or materials relating to eligibility for participation in any component of the athletic program
- copies of all rules or by-laws of any interscholastic athletic association or league in which the agency or the teams participate
- copies of all descriptive materials relating to school/agency athletic programs (including student handbooks)
- schedules of all athletic events operated or sponsored during the current year
- existing records regarding student participation in athletics during the past three years
- any descriptive materials concerning athletic facilities and equipment, including schedules for use, inventories, and policies regarding student access
- all publicity issued during the past year concerning sports events or team members
- all descriptions of coaching, tutoring, training, medical and related services provided to athletes, and criteria for student eligibility
- all budget materials pertinent to athletic programs
- an organizational description or job descriptions of all positions related to the provision of athletic programs
- copies of all contracts with athletic personnel
- all program plans concerning current or future provision and operation of athletic programs

Collect the following data

- listing of all athletic teams/offerings by:

  –school
  –sport
  –level of competition (i.e., varsity, intramural, etc.)
  –number of teams competing

–number of all-male teams and number of members
–number of all-female teams and number of members
–number of mixed-sex teams and number of members by sex
–criteria for eligibility/selection

- listing, for each team, of:

  –the number of competitive events each team has scheduled

  –the times allocated to competition and to competition before an audience (e.g., girls' basketball: Jan. 10 through March 17; Friday evenings at 8:00) and the facilities used

  –the coaches for each team by sex and salaries of each

  –the total amount of practice time allotted, the practice facilities used, and the practice schedule

  –a description of provisions made for transporting the team to events away from home, including listing of such events, mode or modes of transportation used, and per diem allowance provided, if any

  –description of equipment and uniforms provided

  –listing of support services provided (e.g., cheerleaders, pep band, etc.)

- an estimate (collected by any reasonable means) of the athletic interests of male and female students by age and school and their relative abilities in the sports involved

- a description of the qualifications and responsibilities of all athletic program staff

Determine compliance by answering the following questions:

- Do existing athletic programs and activities–interscholastic, intramural and club–meet the interests and levels of ability of both male and female students?

- Are all athletic programs conducted on a sex-integrated basis, unless:

  –the activity involved is a contact sport (football, basketball, wrestling, boxing, ice hockey, rugby, and others whose major activity involves bodily contact)?

  –the team involved is comprised of members selected on the basis of competitive skill?

- If any athletic activities covered under these two exemptions are conducted separately for males and females, has a determination been made that such separation most effectively accommodates the interests and abilities of members of both sexes?

- If a team in a non-contact sport is operated or sponsored for members of one sex with no team in that sport operated or sponsored for members of the other sex, are members of the excluded sex allowed to try out for that team if *overall* athletic opportunities for members of the excluded sex have previously been limited?

- If an intramural, club or interscholastic sport provided only in a single sex-separated team–*including* sports which involve bodily contact or those for which team selection is

based on competitive skill—is of interest to a sufficient number of students of the excluded sex to form a *separate* team, is such a team provided when opportunities for the excluded sex have previously been limited?

- Are all teams in non-contact sports for which selection is based on interest rather than ability (such as intramural or club athletics) open to members of both sexes?

- Is equal opportunity for athletic participation and athletic benefits provided to both males and females, including but not limited to:

  —effective accommodation of the interests and abilities of members of both sexes in sports and levels of competition offered?

  —equipment, uniforms and supplies provided?

  —travel and per diem allowance provisions?

  —opportunity to receive coaching and academic tutoring?

  —access to locker rooms, practice, and competitive facilities?

  —access to medical and training facilities and services?

  —efforts to provide publicity?

  —availability of supports such as cheerleaders, pep band, or pep rallies?

- Are funds allocated as necessary to provide equal opportunity to members of both sexes?

- Where separate-sex teams are maintained, are regulations or policies governing each (such as those concerning scheduling, supervision, or criteria for eligibility, including medical examination and scholastic average) free from differentiation on the basis of sex? (Differences in game rules are *not* prohibited.)

- If separate-sex teams are maintained for a particular sport, do male and female teams have seasons comparable in length, number of opportunities to compete, and number of opportunities to compete before an audience?

- Do males and females receive equal recognition for athletic participation and/or athletic excellence? (For example, if letters are awarded are they awarded to both males and females on the basis of comparable criteria?)

- Are both male and female students eligible to receive coaching, instruction, training or other supervision (except in locker rooms) from persons of the opposite sex?

- Are personnel assigned coaching, instructional, training or supervisory responsibilities without regard to their sex or the sex of students receiving such services?

- Is the compensation of male and female athletic personnel equal for comparable jobs?

- Has an assessment been made of current and any proposed administrative structures to ensure that they do not have a disproportionately adverse effect on employees of one sex?

- If the answer to any of these questions is no, have barriers to immediate modifications necessary to achieve compliance been identified and steps to overcome these barriers been specified with a timetable for their implementation?

  –Will compliance be achieved by July 21, 1976 at the elementary level?

  –Will compliance be achieved by July 21, 1978 at the secondary level?

If you have answered "no" to any of these questions, you will need to undertake modifications and remedial steps to achieve compliance with Title IX.

Self-Evaluation: Action Checklists

Self-evaluation is a process involving staff at all levels of the institution or agency. The following checklists provide general suggestions to personnel at the central administrative, building administrative, and building staff levels as to procedures and review questions which facilitate effective evaluation of compliance with Title IX requirements for nondiscrimination in athletics. **(Note: These checklists are procedural only; substantive criteria for evaluating compliance are provided in the preceding section, "Self-Evaluation: An Outline.")**

Central Office Staff

- Has a policy statement been issued which affirms the right of every student to participation in interscholastic, intramural and club athletics without regard to sex? Yes ☐ No ☐

- Has a policy directive been issued regarding the specific implications of Title IX for agency athletic policies, programs, and practices? Yes ☐ No ☐

- Have forms, procedures and timelines been developed and disseminated for submission to the central office by building administrators of:

  –assurances of review of all school policies pertaining to student access to athletic programs and modifications where necessary to ensure that females and males are provided equal access to interscholastic, intramural, and club athletics as required by Title IX? Yes ☐ No ☐

  –assurances of review of all school policies related to team selection and/or composition and modification where necessary to ensure compliance with Title IX requirements? Yes ☐ No ☐

  –assurances of the completion of an assessment, by some reasonable method, of the athletic interests and abilities of students of each sex?* Yes ☐ No ☐

  –assurances of review of all school athletic programs and modification where necessary to ensure that the interests and abilities of both males and females are effectively accommodated as required by Title IX? Yes ☐ No ☐

  –assurances of review of all school athletic programs and practices and modification where necessary to ensure compliance with Title IX requirements for sex equality in athletic benefits according to the criteria specified in §86.41(c) of the Regulation? Yes ☐ No ☐

  –assurances of review of any descriptive materials (including student handbooks) pertaining to school athletic programs, and modification where necessary to reflect compliance with Title IX? Yes ☐ No ☐

* This survey is not required under the Title IX Regulation. It does however provide a basis for evaluating compliance with the Regulation requirement for equal accommodation of the athletic interests of students of both sexes.

–assurances of review of all budget materials pertaining to athletic programs and expenditures to ensure that funds are allocated as necessary to provide equal athletic opportunities for females and males according to Title IX requirements? Yes ☐ No ☐

–assurances of review of current and projected school athletic administrative structures and modification where necessary to ensure that they do not have disproportionately adverse effects on the employment opportunities of members of one sex? Yes ☐ No ☐

–assurances of review by sex of job assignments and compensation of all school athletic staff and modification where necessary to ensure the compliance of athletic staffing patterns with Title IX requirements? Yes ☐ No ☐

–information concerning any barriers to immediate school compliance with Title IX athletic requirements identified and a specification of steps and timelines for their expeditious elimination? Yes ☐ No ☐

–plans to ensure the school's full compliance with Title IX requirements for athletics by the date specified in the Regulation? Yes ☐ No ☐

- Have all agency policies pertaining to student access to athletics been reviewed and modified where necessary to ensure that males and females are provided equal access to interscholastic, intramural, or club athletics as required by Title IX? Yes ☐ No ☐

- Have all agency policies related to athletic team selection and/or composition been reviewed and modified where necessary to ensure compliance with Title IX requirements? Yes ☐ No ☐

- Have guidelines and/or procedures been developed and disseminated for the assessment by schools of the athletic interests and relative abilities of students of both sexes? Yes ☐ No ☐

- Have all agency athletic programs been reviewed and modified where necessary to ensure that the interests and abilities of both females and males are effectively accommodated as required by Title IX? Yes ☐ No ☐

- Have all agency policies pertaining to the provision of athletic benefits been reviewed and modified where necessary to ensure compliance with the equal opportunity criteria specified in §86.41(c) of the Title IX Regulation? Yes ☐ No ☐

- Have all descriptive materials issued by the agency pertaining to athletic programs (including student handbooks) been reviewed and modified where necessary to reflect compliance with Title IX? Yes ☐ No ☐

- Has the agency athletic budget been reviewed and modified where necessary to ensure that funds are allocated as necessary to provide equal athletic opportunities as required by Title IX? Yes ☐ No ☐

- Have the rules and by-laws of any interscholastic athletic association or league in which the agency or agency teams participate been reviewed to determine their compliance with Title IX requirements? Yes ☐ No ☐

- Have the current and projected agency athletic administrative structures been reviewed and modified where necessary to ensure that they do not have a disproportionately adverse effect upon the employment opportunities of one sex? Yes ☐ No ☐

- Have agency policies regarding the assignment and compensation of athletic staff been reviewed and modified where necessary to ensure compliance with Title IX? Yes ☐ No ☐

- Have all building administrators submitted all relevant data and assurances according to the specified timeline? Yes ☐ No ☐

- Have any barriers to immediate agency compliance with Title IX athletic requirements been identified? Yes ☐ No ☐

- If so, have steps and timelines been specified for their expeditious elimination? Yes ☐ No ☐

- Have plans been developed to ensure agency compliance with Title IX requirements by the dates specified in the Title IX Regulation? Yes ☐ No ☐

  Do they involve:

  –staff training? Yes ☐ No ☐
  –program revision? Yes ☐ No ☐
  –rescheduling? Yes ☐ No ☐
  –renovation or construction of facilities? Yes ☐ No ☐

ATHLETICS

Building Administrators (Principals/Athletic Directors)

- Has a policy directive been issued regarding the specific implications of Title IX for agency athletic policies, programs, and practices? Yes ☐ No ☐

- Have you requested that all building staff submit information concerning sex discrimination that they may identify in school athletic policies, programs, practices and materials? Yes ☐ No ☐

- Have you prepared the following and submitted them to the central administration according to specified format and timelines:

  –assurances of review of all school policies pertaining to student access to athletic programs and modification where necessary to ensure that males and females are provided equal access to interscholastic, intramural, and club athletics as required by Title IX? Yes ☐ No ☐

  –assurances of review of all school policies related to team selection and/or composition and modification where necessary to ensure compliance with Title IX requirements? Yes ☐ No ☐

  –assurances of the completion, by some reasonable method, of an assessment of athletic interests and relative abilities of students of each sex?* Yes ☐ No ☐

  –assurances of review of all school athletic programs and modification where necessary to ensure that the interests and abilities of both males and females are effectively accommodated as required by Title IX? Yes ☐ No ☐

  –assurances of review of all school athletic programs and practices and modification where necessary to ensure compliance with Title IX requirements for sex equality in athletic benefits according to the criteria specified in §86.41(c) of the Regulation? Yes ☐ No ☐

  –assurances of review of all budget materials pertaining to athletic programs and expenditures to ensure that funds are allocated as necessary to provide equal athletic opportunities for males and females according to Title IX requirements? Yes ☐ No ☐

  –assurances of review of current and projected school athletic administrative structures and modification where necessary to ensure that they do not have a disproportionately adverse effect upon the employment opportunities of members of one sex? Yes ☐ No ☐

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* This survey is not required under the Title IX Regulation. It does however provide a basis for evaluating compliance with the Regulation requirement for equal accommodation of the athletic interests of students of both sexes.

–assurances of review, by sex, of job assignments and compensation of all school athletic staff and modification where necessary to ensure the compliance of athletic staffing patterns with Title IX requirements? Yes ☐ No ☐

–information concerning any barriers to immediate school compliance with Title IX requirements identified and a specification of steps and timelines for their expeditious elimination? Yes ☐ No ☐

–plans to ensure the school's full compliance with the Title IX requirements for athletics by the date specified in the Regulation? Yes ☐ No ☐

Do these plans involve:

–staff training? Yes ☐ No ☐
–program revision? Yes ☐ No ☐
–rescheduling? Yes ☐ No ☐
–renovation or construction of facilities? Yes ☐ No ☐

Building Staff (Coaches and Staff)

- Have you familiarized yourself with the implications of Title IX requirements for nondiscrimination in athletics for all the athletic programs for which you have responsibility? Yes ☐ No ☐

- Does membership on all teams for which you have responsibility reflect compliance with Title IX requirements for team selection and/or composition? Yes ☐ No ☐

- Are the interests and abilities of both females and males accommodated in any sports/programs for which you have responsibility? Yes ☐ No ☐

- Have you reviewed the athletic benefits provided in any sports or to any teams for which you have responsibility to determine their compliance with the equal opportunity criteria specified in §86.41(c) of the Regulation? Yes ☐ No ☐

- Have you reviewed any descriptive materials pertaining to sports or teams for which you have responsibility to ensure that they reflect compliance with Title IX? Yes ☐ No ☐

- If you have identified any barriers to immediate compliance with Title IX in any programs/sports/teams for which you have responsibility, have you specified steps and timelines for their expeditious elimination? Yes ☐ No ☐

- Have you submitted to your building administrator information concerning any sex discrimination that you have identified in school athletic policies, programs, practices or materials? Yes ☐ No ☐

FINANCIAL ASSISTANCE

The Regulation

The Regulation implementing Title IX contains several sections which relate to scholarships and financial assistance as administered by local education agencies:

§86.37 Financial assistance.

(a) General. Except as provided in paragraphs (b), (c) and (d) of this section, in providing financial assistance to any of its students, a recipient shall not: (1) on the basis of sex, provide different amounts or types of such assistance, limit eligibility for such assistance which is of any particular type or source, apply different criteria, or otherwise discriminate; (2) through solicitation, listing, approval, provision of facilities or other services, assist any foundation, trust, agency, organization, or person which provides assistance to any of such recipient's students in a manner which discriminates on the basis of sex; or (3) apply any rule or assist in application of any rule concerning eligibility for such assistance which treats persons of one sex differently from persons of the other sex with regard to marital or parental status.

(b) Financial aid established by certain legal instruments.

(1) A recipient may administer or assist in the administration of scholarships, fellowships, or other forms of financial assistance established pursuant to domestic or foreign wills, trusts, bequests, or similar legal instruments or by acts of foreign government which require that awards be made to members of a particular sex specified therein; provided, that the overall effect of the award of such sex-restricted scholarships, fellowships, and other forms of financial assistance does not discriminate on the basis of sex.

(2) to ensure nondiscriminatory awards of assistance as required in subparagraph (1) of this paragraph, recipients shall develop and use procedures under which:

(i) students are selected for award of financial assistance on the basis of nondiscriminatory criteria and not on the basis of availability of funds restricted to members of a particular sex;

(ii) an appropriate sex-restricted scholarship, fellowship, or other form of financial assistance is allocated to each student selected under subparagraph (i) of this paragraph; and

(iii) no student is denied the award for which he or she was selected under subparagraph (i) of this paragraph because of the absence of a scholarship, fellowship, or other form of financial assistance designated for a member of that student's sex.

(c) Athletic scholarships.

(1) To the extent that a recipient awards athletic scholarships or grants-in-aid, it must provide reasonable opportunities for such awards for members of each sex in proportion to the number of students of each sex participating in interscholastic or intercollegiate athletics.

(2) Separate athletic scholarships or grants-in-aid for members of each sex may be provided as part of separate athletic teams for members of each sex to the extent consistent with this paragraph and § 86.41 of this Part.

The Regulation also covers assistance administered by recipient education institutions for study at a foreign institution. Because this paragraph (§ 86.31(c)) primarily affects the Rhodes Scholarship, which is not administered at the local education agency level, it will not be cited here or discussed in this document.

The Issue

It is recognized that the resources provided in scholarships and financial aid programs administered by local education agencies are minimal in relation to those administered by the higher education community. The issue of sex equality in financial assistance as addressed by the Title IX Regulation is nonetheless an important one for school districts and institutions of secondary education, who frequently administer small scholarships to assist students in continuing their education after high school graduation. The fundamental intent of those sections of the Regulation pertaining to financial assistance to students is to ensure that females and males of comparable qualifications are provided comparable funds for education and that funds are awarded in a fashion which does not discriminate on the basis of sex.

Between 75 and 90 percent of all well-qualified students who do not go to college are women.[1] These are predominantly women from lower-income and working-class families. The percentage of high ability women from the lowest socioeconomic bracket who enter college is 24 percentage points below that of men of comparable ability and socioeconomic status.[2] Studies have indicated that the financial resources of females for education are more limited than those of males: they receive less scholarship assistance, less aid from athletic scholarships, fewer work-study opportunities, and fewer federal loans than do males.[3]

It is therefore critical that local education agencies, like other education institutions, move toward the provision of more equal financial assistance for female students. The Regulation generally prohibits discrimination on the basis of sex in amount, type, or criteria for eligibility/selection for financial aid. A school or school district may neither directly discriminate on such bases nor provide assistance to any organization or person which so discriminates.

A key concept in the requirements for nondiscrimination is the concept which has been referred to as the "pooling" concept, outlined in § 86.37(c). Under the pooling provision, schools or districts *may* administer scholarships or funds which have been restricted by legal instruments to members of a specified sex, *provided* that such funds are administered in a nondiscriminatory fashion. Students must be selected for assistance on the basis of *objective* criteria, without any consideration of student sex or the availability of sex-restricted funds. Funds must then be awarded to the selected students in the order of their qualifications according to the objective criteria used. No student may be denied an award for which he or she was so selected due to the unavailability of appropriate sex-restricted funds.

For example, if a school has selected four students--a female, a male, a female, and a male, in order of their ranked qualifications–as qualifying for financial assistance on the bases of academic excellence and financial need, but has only two scholarships available, both restricted to males, it has the following options:

- procuring additional funds (in comparable amounts) for the females and awarding funds to all four students;

- negotiating the release of the funds from the sex restriction and awarding them to the two most qualified students, one female and one male; or

- awarding scholarships to no student.

The school may *not* bypass the more qualified females and award restricted funds only to the lower ranked males.

The regulatory requirements for athletic scholarships are somewhat different from those for non-athletic assistance. Following the Regulation's permission of sex-separated athletic teams, the overall allocation of athletic scholarships may be based upon sex. (Such separate treatment is clearly prohibited for non-athletic scholarships.) The key concept in the awarding of athletic scholarships is reasonableness: "reasonable opportunities" for athletic scholarships for males and females must exist "in proportion to the number of students of each sex participating in interscholastic. . . .athletics" (§86.37(c)). Districts should assess whether male and female athletes at comparable levels of competition are afforded approximately the same opportunities to obtain athletic scholarships. Several approaches may be taken in the provision and administration of athletic scholarships:

- a district or school may elect to make an overall proportionate allocation of athletic scholarships on the basis of sex, awarding them to males and females in numbers relatively proportionate to the numbers of students of each sex participating in interscholastic athletics; or

- a district or school may award such scholarships by applying general, sex-neutral standards to applicants of both sexes, ensuring that the criteria used do not inherently disadvantage members of either sex. Such a process is permissible even if it results in patterns of awards which differ from the relative levels of athletic participation of both males and females. If athletic ability is included in the standards used, however, and range of ability in the sport for which a scholarship is awarded differs widely between the sexes, then separate norms must be developed for each sex.

Footnotes

1. Pifer, Alan, *Women in Higher Education*, paper presented at meeting of Southern Association of Colleges and Schools, Miami, Fla., Nov. 29, 1971.

2. Cross, K. Patricia, *Beyond The Open Door: New Students to Higher Education*, San Francisco; Jossey-Bass, 1971.

3. American Association of State Colleges and Universities, *Women's Stake in Low Tuition*. Washington, D.C., 1974.

FINANCIAL ASSISTANCE

Self-Evaluation: An Outline

In order to assess and evaluate present compliance with the requirements of the Title IX Regulation for nondiscrimination in financial assistance and to plan necessary modifications, it will be necessary to:

Review the following materials:

- copies of all policies pertaining to the administration of financial assistance for students
- copies of all legal instruments (or relevant portions thereof) establishing scholarships or other awards of financial assistance administered by the agency/schools
- copies of all agreements with organizations or individuals providing financial assistance to students which is administered by the agency/schools
- copies of criteria for student eligibility/selection for all awards of financial aid
- copies of student handbooks and any descriptive materials pertaining to financial assistance to students
- copies of any application materials used in the process of awarding financial assistance

(Note: Review of the above should include those materials which pertain to athletic scholarships.)

Collect the following data:

- list of all awards of financial assistance made to students during the past school year, by:

  –sex of each recipient
  –amount of award
  –criteria for selection
  –description of agency/school involvement in selection process

(Note: This list should include any athletic scholarships administered by the agency/school.)

Determine compliance by answering the following questions:

- Is financial assistance awarded to males and females without discrimination on the basis of sex in amount, type or criteria for eligibility/selection?
- Are all students selected for non-athletic financial assistance according to the same process and based on standards developed and applied without regard to sex?
- If legally sex-restricted funds are administered by the education agency in providing financial assistance to students:

  –is selection of students for financial assistance based upon objective criteria which do not discriminate on the basis of sex?

–if there are not sufficient sex-restricted funds to be awarded to students of a particular sex so selected, does the school or district obtain sufficient funds for the excluded students or not award the sex-restricted funds?

- Do all descriptive materials make clear that non-athletic financial assistance is available to males and females in comparable amounts according to identical criteria?

- Are materials and forms used by students in applying for financial assistance the same for females and males and free from any items which discriminate on the basis of sex?

- Are athletic scholarships:

  –available to males and females in reasonable proportion to the participation of each sex in interscholastic athletics; *or*

  –awarded to students based upon sex-neutral criteria applied to members of both sexes?

- Do all descriptive materials regarding athletic scholarships reflect the availability of athletic scholarships to males and females according to the nondiscriminatory process selected by the education agency/school for their administration?

If you have answered "no" to any of these questions, you will need to undertake modifications and remedial steps to achieve compliance with Title IX.

FINANCIAL ASSISTANCE

Self-Evaluation: Action Checklists

Self-evaluation is a process involving staff at all levels of the institution or agency. The following checklists provide general suggestions to personnel at the central administrative, building administrative, and building staff levels as to procedures and review questions which facilitate effective evaluation of compliance with Title IX requirements for nondiscrimination in financial assistance. **(Note: These checklists are procedural only; substantive criteria for evaluating compliance are provided in the preceding section, "Self-Evaluation: An Outline.")**

Central Office Staff

- Has a policy statement been issued which affirms the right of every student to eligibility for financial assistance without regard to sex? Yes ☐ No ☐

- Has a policy directive regarding the specific implications of Title IX for agency financial assistance programs and practices been disseminated to administrators and relevant staff? Yes ☐ No ☐

- Have forms, procedures and timelines been developed and disseminated for submission to the central office by building administrators of:

  –assurances of notification of all organizations or individuals providing funds for student financial assistance administered by the school of the school's obligation to provide financial assistance without regard to sex in compliance with Title IX requirements? Yes ☐ No ☐

  –assurances of review of all school policies regarding financial assistance and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all criteria pertaining to the eligibility or selection of students for financial assistance administered by the school and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all procedures pertaining to the selection of students for financial assistance and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all descriptive materials issued by the school regarding financial assistance to students (including student handbooks) and modification where necessary to reflect compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all forms used by students in applying for financial assistance and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances that all the above actions include consideration of both non-athletic and athletic financial assistance programs? Yes ☐ No ☐

- Has a statement regarding district compliance with the requirements of the Title IX Regulation been disseminated to all organizations or individuals providing funds for student financial aid which are administered by the district? Yes ☐ No ☐

- Have all district policies regarding financial assistance to students been reviewed and modified where necessary to ensure compliance with Title IX? Yes ☐ No ☐

- Have all criteria established by the district pertaining to the eligibility or selection of students for financial assistance been reviewed and modified where necessary to ensure compliance with Title IX? Yes ☐ No ☐

- Have all procedures or procedural guidelines pertaining to the selection of students for financial assistance been reviewed and modified where necessary to ensure compliance with Title IX? Yes ☐ No ☐

- Have all descriptive materials issued by the district regarding financial assistance to students (including student handbooks) been modified where necessary to reflect compliance with Title IX? Yes ☐ No ☐

- Have all application forms used by students in obtaining financial assistance been reviewed and modified where necessary to ensure nondiscrimination on the basis of sex? Yes ☐ No ☐

- Do all the above actions include consideration of both non-athletic and athletic financial assistance and/or scholarship programs? Yes ☐ No ☐

- Has every building administrator submitted all required data and assurances to the central office according to the specified timeline? Yes ☐ No ☐

FINANCIAL ASSISTANCE

Building Administrators (Principals/Supervisors)

- Has a policy directive regarding the specific implications of Title IX for school financial assistance programs been developed and distributed to all staff with responsibility for the selection of students for financial aid or for the administration of school financial assistance programs/funds? Yes ☐ No ☐

- Have you requested that all building staff submit information concerning any instances of sex discrimination in policies, practices or materials relating to student financial assistance? Yes ☐ No ☐

- Have you prepared the following and submitted them to the central administration according to specified format and timelines:

  –assurances of notification of all organizations or individuals providing funds for student financial assistance administered by the school of the school's obligation to provide financial assistance without regard to sex in compliance with Title IX requirements? Yes ☐ No ☐

  –assurances of review of all school policies regarding financial assistance and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all criteria pertaining to the eligibility or selection of students for financial assistance administered by the school and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all procedures pertaining to the selection of students for financial assistance and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all descriptive materials issued by the school regarding financial assistance to students (including student handbooks) and modification where necessary to reflect compliance with Title IX? Yes ☐ No ☐

  –assurances of review of all forms used by students in applying for financial assistance and modification where necessary to ensure compliance with Title IX? Yes ☐ No ☐

  –assurances that all of the above actions include consideration of both non-athletic and athletic financial assistance programs? Yes ☐ No ☐

FINANCIAL ASSISTANCE

Building Staff (Student Personnel Workers, Counselors, Instructors and Athletic Staff with Responsibility for Student Financial Assistance)

- Have you familiarized yourself with the implications of Title IX requirements for nondiscrimination in student financial assistance programs for which you have responsibility? Yes ☐ No ☐
- Do you select students for awards of financial assistance on the basis of criteria which comply with Title IX requirements for nondiscrimination? Yes ☐ No ☐
- Do you select students for awards of financial assistance according to procedures which comply with Title IX requirements for nondiscrimination? Yes ☐ No ☐
- Have you reviewed all descriptive materials pertaining to financial assistance for which you have responsibility and modified them where necessary to reflect compliance with Title IX? Yes ☐ No ☐
- Have you reviewed all forms used by students in applying for financial assistance for which you have responsibility and modified them where necessary to ensure compliance with Title IX? Yes ☐ No ☐
- Have you submitted to your building administrator information concerning any instances of sex discrimination that you have identified in policies, practices, or materials relating to student financial assistance? Yes ☐ No ☐

EMPLOYMENT

The Regulation

The Title IX Regulation provides comprehensive prohibitions of discrimination in the employment policies and practices of education institutions or agencies. It outlines general requirements for nondiscrimination:

> *§86.51 Employment*
>
> *(a) General.*
>
> *(1) No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment, or recruitment, consideration, or selection therefor, whether full-time or part-time, under any education program or activity operated by a recipient which receives or benefits from Federal financial assistance.*
>
> *(2) A recipient shall make all employment decisions in any education program or activity operated by such recipient in a nondiscriminatory manner and shall not limit, segregate, or classify applicants or employees in any way which could adversely affect any applicant's or employee's employment opportunities or status because of sex.*
>
> *(3) A recipient shall not enter into any contractual or other relationship which directly or indirectly has the effect of subjecting employees or students to discrimination prohibited by this Subpart, including relationships with employment and referral agencies, with labor unions, and with organizations providing or administering fringe benefits to employees of the recipient.*
>
> *(4) A recipient shall not grant preferences to applicants for employment on the basis of attendance at any educational institution or entity which admits as students only or predominantly members of one sex, if the giving of such preferences has the effect of discriminating on the basis of sex in violation of this. . .* [Regulation].

§86.51 also delineates the specific areas of employment policy and practice to which these provisions apply:

> *(b) Application.*
>
> *The provisions of this Subpart apply to:*
>
> *(1) recruitment, advertising, and the process of application for employment;*
>
> *(2) hiring, upgrading, promotion, consideration for and award of tenure, demotion, transfer, layoff, termination, application of nepotism policies, right of return from layoff, and rehiring;*
>
> *(3) rates of pay or any other form of compensation, and changes in compensation;*

(4) job assignments, classifications and structure, including position descriptions, lines of progression, and seniority lists;

(5) the terms of any collective bargaining agreement;

(6) granting and return from leaves of absence, leave for pregnancy, childbirth, false pregnancy, termination of pregnancy, leave for persons of either sex to care for children or dependents, or any other leave;

(7) fringe benefits available by virtue of employment, whether or not administered by the recipient;

(8) selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activites, selection for tuition assistance, selection for sabbaticals and leaves of absence to pursue training;

(9) employer-sponsored activites, including social or recreational programs; and

(10) any other term, condition, or privilege of employment.

Further specification of the application of these general provisions is provided in §§ 86.52-86.61.

§ 86.52 Employment criteria.

A recipient shall not administer or operate any test or other criterion for any employment opportunity which has a disproportionately adverse effect on persons on the basis of sex unless:

(a) use of such test or other criterion is shown to predict validly successful performance in the position in question; and

(b) alternative tests or criteria for such purpose, which do not have such disproportionately adverse effect, are shown to be unavailable.

§ 86.53 Recruitment

(a) Nondiscriminatory recruitment and hiring. A recipient shall not discriminate on the basis of sex in the recruitment and hiring of employees. Where a recipient has been found to be presently discriminating on the basis of sex in the recruitment or hiring of employees, or has been found to have in the past so discriminated, the recipient shall recruit members of the sex so discriminated against so as to overcome the effects of such past or present discrimination.

(b) Recruitment patterns. A recipient shall not recruit primarily or exclusively at entities which furnish as applicants only or predominantly members of one sex if such actions have the effect of discriminating on the basis of sex in violation of this Subpart.

§ 86.54 Compensation.

A recipient shall not make or enforce any policy or practice which, on the basis of sex:

(a) makes distinctions in rates of pay or other compensation;

(b) results in the payment of wages to employees of one sex at a rate less than that paid to employees of the opposite sex for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions.

§86.55 Job Classification and structure.

A recipient shall not:

(a) classify a job as being for males or for females;

(b) maintain or establish separate lines of progression, seniority lists, career ladders, or tenure systems based on sex; or

(c) maintain or establish separate lines of progression, seniority systems, career ladders, or tenure systems for similar jobs, position descriptions, or job requirements which classify persons on the basis of sex, unless sex is a bona-fide occupational qualification for the positions in question as set forth in §86.51.

§86.56 Fringe benefits.

(a) "Fringe benefits" defined. For purposes of this Part, "fringe benefits" means: any medical, hospital, accident, life insurance or retirement benefit, service, policy or plan, any profit-sharing or bonus plan, leave, and any other benefit or service of employment not subject to the provision of §86.54.

(b) Prohibitions. A recipient shall not:

(1) discriminate on the basis of sex with regard to making fringe benefits available to employees or make fringe benefits available to spouses, families, or dependents of employees differently upon the basis of the employee's sex;

(2) administer, operate, offer, or participate in a fringe benefit plan which does not provide either for equal periodic benefits for members of each sex, or for equal contributions to the plan by such recipient for members of each sex; or

(3) administer, operate, offer, or participate in a pension or retirement plan which establishes different optional or compulsory retirement ages based on sex or which otherwise discriminates in benefits on the basis of sex.

§86.57 Marital or parental status.

(a) General. A recipient shall not apply any policy or take any employment action:

(1) concerning the potential marital, parental, or family status of an employee or applicant for employment which treats persons differently on the basis of sex; or

(2) which is based upon whether an employee or applicant for employment is the head of household or principal wage earner in such employee's or applicant's family unit.

(b) Pregnancy. A recipient shall not discriminate against or exclude from employment any employee or applicant for employment on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom.

(c) Pregnancy as a temporary disability. A recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom and any temporary disability resulting therefrom as any other temporary disability for all job related purposes, including commencement, duration and extensions of leave, payment of disability income, accrual of seniority and any other benefit or service, and reinstatement, and under any fringe benefit offered to employees by virtue of employment.

(d) Pregnancy leave. In the case of a recipient which does not maintain a leave policy for its employees, or in the case of an employee with insufficient leave or accrued employment time to qualify for leave under such a policy, a recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom as a justification for a leave of absence without pay for a reasonable period of time, at the conclusion of which the employee shall be reinstated to the status which she held when the leave began or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities, or any other right or privilege of employment.

§ 86.58 Effect of State or local law or other requirements.

(a) Prohibitory requirements. The obligation to comply with this Subpart is not obviated or alleviated by the existence of any State or local law or other requirement which imposes prohibitions or limits upon employment of members of one sex which are not imposed upon members of the other sex.

(b) Benefits. A recipient which provides any compensation, service, or benefit to members of one sex pursuant to a State or local law or other requirement shall provide the same compensation, service, or benefit to members of the other sex.

§ 86.59 Advertising.

A recipient shall not in any advertising related to employment indicate preference, limitation, specification, or discrimination based on sex unless sex is a bona-fide occupational qualification for the particular job in question.

§ 86.60 Pre-employment inquiries.

(a) Marital status. A recipient shall not make pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is "Miss or Mrs."

(b) Sex. A recipient may make pre-employment inquiry as to the sex of an applicant for employment, but only if such inquiry is made equally of such applicants of both sexes and if the results of such inquiry are not used in connection with discrimination prohibited by this Part.

§86.61 Sex as a bona-fide occupational qualification.

A recipient may take action otherwise prohibited by this Subpart provided it is shown that sex is a bona-fide occupational qualification for that action, such that consideration of sex with regard to such action is essential to successful operation of the employment function concerned. A recipient shall not take action pursuant to this section which is based upon alleged comparative employment characteristics or stereotyped characterizations of one or the other sex, or upon preference based on sex of the recipient, employees, students, or other persons, but nothing contained in this section shall prevent a recipient from considering an employee's sex in relation to employment in a locker room or toilet facility used only by members of one sex.

The Issue

The primary intent of the employment provisions of the Title IX Regulation is to ensure that true equality of opportunity exists in all employment policies, practices and procedures of an education agency or institution. Equal treatment may be denied either to male or female applicants or employees, and such denial may occur in nearly every aspect of personnel management. The employment provisions of the Title IX Regulation are based, in large measure, on experience with other Federal antidiscrimination laws covering employment and the precedents established through related litigation.

To understand issues of equal employment opportunity within the field of education, care must be taken to distinguish between the sex-typing of professional roles and the underutilization of qualified education personnel. Education has been characterized as a "woman's profession" because sixty-seven percent of the instructional personnel in local education agencies are female. The inaccuracy of this label is apparent when this figure is compared with figures regarding the representation of women within administrative and leadership positions in education. (See Table 1, page 120.)

This employment pattern may be partially explained by societal and professional sex stereotyping of the roles of males and females and the individual choices made on the basis of such stereotypes. We can expect that this general pattern may be modified in the course of future years as a result of a general societal movement toward the reduction of sex-role stereotyping. This sex-typing which results from individual applicant or employee choices is, of course, not prohibited by the Regulation.

This employment pattern also results from discrimination in the employment policies and practices of education institutions. Such discrimination occurs when sex is used as a criterion for the differential handling of applicants or employees. One indicator of possible discriminatory policies or practices is the underutilization of either males or females in a particular job category or position in an education agency. Underutilization occurs when employees of a particular group (sex, racial-ethnic group) occupy a smaller percentage of job positions than their proportionate representation in the pool of qualified individuals. In educational employment, one primary indicator of qualification is the possession of relevant degrees. National figures regarding degrees held by women and their representation at various levels of the education profession are presented on the following page.

Table 1
Percentages of Female Employees and Degree Recipients in Education–1970-1971*

	% female		% female
Instructional staff	67.2%	B.A. degrees in education	74.0%
Principals	15.3%	Master's degrees:	
Assistant Principals	15.0%	–in education	56.0%
Central office administrators	25.9%	–in educational administration	20.0%
Superintendents	.6%	Doctoral degrees:	
		–in education	21.0%
		–in educational administration	8.5%

These figures suggest that women are underutilized in local education agency employment, and that educational employment practices, policies and procedures should be reviewed for possible discriminatory effects.

For example, discrimination in recruitment may occur in job descriptions or brochures which use sex-linked pronouns or provide consistent stereotyping of jobs in illustrations or examples. Application forms which require indications of marital status and number of dependents may be used to screen out married women with children.

Initial placement of women on salary schedules may be discriminatory in that males are more likely than females to receive credit for prior related experience. Fringe benefits provided women may be less than those provided men. For example, coverage of maternity may be included on insurance benefits for spouses of male employees and not provided for female employees.

Discrimination is frequently found in the handling of maternity leave. Maternity leave policies which require the exclusion of women from the classroom at a specified month of pregnancy are discriminatory, as is the denial of the application of accrued sick leave to maternity leave. The general standard that should be used for evaluating possible inequities is that maternity leave should be treated in the same manner as any other temporary disability requiring a prolonged absence from the job.

Unequal pay for female employees is another area of frequent discrimination. This is most commonly found in the pay provided for male and female maintenance and janitorial staff, male and female coaches, male and female principals, and male and female administrative and supervisory employees who carry out equivalent job functions.

Discriminatory clauses may be found in collective bargaining or professional agreements with labor organizations. These are most likely to occur in contractual clauses dealing with maternity leave, sabbatical leave, extra-duty pay and assignments, fringe benefits, and procedures for notifying employees of job opportunities.

Perhaps the most serious form of discrimination is the lack of career mobility for those women who desire to move into administrative positions. National statistics indicate that the percentages of women in elementary, junior high and secondary school principalships continue to decline. Women constitute less than one percent of the superintendents in the United States and are frequently underrepresented in other central office positions of local education agencies. The

* Figures derived from 1972 National Education Association research data and the 1974 *Digest of Education Statistics*, published by the National Center for Education Statistics, Department of Health, Education, and Welfare.

reasons for the disproportionate number of women in these positions are not found in discrimination in hiring alone but include a range of factors: patterns of discouragement to obtain administrative training and experience; the lack of opportunity to gain prerequisite positions or experiences; the stereotypes and prejudices of persons making promotion decisions; the lack of objective criteria for evaluating performance; and the lack of publication of job openings and opportunities.

Discrimination against males may also be identified in a number of areas. Males may be required or expected to perform supervisory, administrative, or physical tasks that are not required or expected of females occupying a comparable position. Male employees may be denied childrearing leave that is extended to female employees. Further, males in the classroom may be pressured to move into administrative positions, even when they may prefer to remain in the classroom.

EMPLOYMENT

Self-Evaluation: An Outline

In order to assess and evaluate present compliance with the requirements of the Title IX Regulation for nondiscrimination in education employment, it may be useful to:

Review the following materials:

- the organizational chart of school system personnel, both agency-wide and within separate schools
- job descriptions and statements of qualifications required for all positions in the agency, both certificated and classified
- the salary schedules for all positions, both certificated and classified
- copies of application forms for certificated and classified positions
- copies of all policies relating to granting of leaves of absence, including those for temporary disabilities and pregnancy and related conditions
- copies of all medical, hospital, accident, life insurance or retirement benefit policies or plans offered or administered by the district
- descriptions of all training programs operated or sponsored by the district and criteria for selecting participants
- copies of any tests or instruments used in employee selection or placement
- copies of all collective bargaining agreements

Collect the following data:

- the numbers and percentages of employees by sex for each major job classification agency-wide, and by school
- average salary and grade by sex of 5-, 10-, and 15-year employees in equivalent job categories
- average time in grade (between promotions) of employees by sex
- list, by program, of names and sexes of all personnel participating in training programs operated or sponsored by the district
- list of all institutions from which employees are recruited or referred (through staff visitation or through mailing of position vacancy notices)
- list of all extracurricular assignments undertaken by staff by:

  –name of individual
  –description of assignment
  –rate of compensation
  –method of selection or designation of staff

- list of travel funds expended by staff during the past year by sex and positions of staff members using such funds

- a summary of all applications for employment, stating sex of applicant, position applied for, relevant qualifications or lack thereof, and hiring decision made. (This "applicant flow record" should be maintained for a three-year period.)

Determine compliance by answering the following questions:

- Are all employment decisions made in a nondiscriminatory manner?

- Are all decisions regarding recruitment, selection, transfer, referral, promotion, retention, dismissal or membership of professional and non-professional employees made without regard to sex?

- Are all contracts or collective bargaining agreements free from provisions which treat employees differently on the basis of sex?

- Are all agency-sponsored activities, including social and recreational programs, open to employees of both sexes?

- If the district recruits or grants preference to applicants for employment on the basis of attendance at a predominantly or entirely single-sex institution, are the numbers of male and female applicants so eligible roughly equivalent?

- Are all fringe benefits—medical, hospital, accident or life insurance; retirement or profit-sharing policies or plans—provided without regard to sex?

  —Are all benefits available equally to both sexes?

  —Are fringe benefits available to spouses, families, or dependents the same for male and female employees?

  —Do fringe benefit plans offered or administered by the agency provide either for equal periodic benefits or equal agency contributions for members of each sex?

  —Do pension or retirement plans operated by the district establish the same optional and compulsory retirement ages for males and females?

- Have all tests, criteria, or techniques for employee selection or placement been reviewed to identify any which have adverse impact on the basis of sex?

- Have all which have been so identified been reviewed and found to be valid predictors of job performance?

- Do pre-employment inquiries avoid any reference to the potential or actual marital, parental or family status of an applicant?

- Are nepotism policies written and applied with equal impact upon members of both sexes?

- Does assignment of staff to ranks, levels, or job classification suggest a pattern of equal assignment of comparably qualified males and females?

- Are criteria for determining salaries for and within each job classification developed and applied without regard to sex?

- Are salaries for the same or comparable jobs and responsibilities the same for men and women?

- Are all training, internships, staff development opportunities, tuition grants or other compensation designed to prepare employees for advancement equally available to males and females unless they are designed to eliminate underrepresentation of members of one sex?

- Are all leaves–medical, sabbatical, emergency, administrative, and educational–equally available to men and women?

- Are pregnancy and related conditions treated as any other temporary disability for purposes of leave, seniority, and other employment benefits?

If you have answered "no" to any of these questions, you will need to undertake modifications and remedial steps to achieve compliance with Title IX.

EMPLOYMENT

Self-Evaluation: Action Checklists

Self-evaluation is a process involving staff at all levels of the institution or agency. The following checklists provide general suggestions to personnel at the central administrative, building administrative, and building staff level as to procedures and review questions which facilitate effective evaluation of compliance with Title IX requirements for nondiscrimination in education employment. **(Note: These checklists are procedural only; substantive criteria for evaluating compliance are provided in the preceding section, "Self-Evaluation: An Outline.")**

Central Office Staff

- Has a policy statement been issued which affirms the right of individuals to employment and all conditions and benefits thereof without regard to sex? Yes ☐ No ☐

- Has a policy directive regarding the specific implications of Title IX for agency employment policies and practices been developed and disseminated to all administrators and staff with responsibility for implementation of personnel policies? Yes ☐ No ☐

- Have forms, procedures and timelines been developed and disseminated for submission to the central office by building administrators of:

  –assurances that all recommendations/decisions relating to employee selection, compensation and/or promotion are made on the basis of non-discriminatory criteria as specified by the central administration and applied without regard to sex? Yes ☐ No ☐

  –assurances that all recommendations/decisions regarding the assignment and compensation of staff for extra-duty functions are made on the basis of nondiscriminatory criteria as specified by the central administration and applied without regard to sex? Yes ☐ No ☐

  –assurances that all recommendations/decisions regarding leave privileges are made on the basis of nondiscriminatory criteria as specified by the central administration and applied without regard to sex? Yes ☐ No ☐

  –assurances that all decisions regarding room assignment and access to and use of facilities and supplementary materials are made on the basis of specified criteria without regard to sex? Yes ☐ No ☐

- Have all statements or documents concerning agency employment and personnel policies, practices, criteria and procedures been reviewed and modified as necessary to ensure compliance with Title IX in all areas, including:

  –recruitment? Yes ☐ No ☐
  –selection? Yes ☐ No ☐
  –assignment (including extra-duty assignments)? Yes ☐ No ☐

–transfer? Yes ☐ No ☐
–referral? Yes ☐ No ☐
–promotion? Yes ☐ No ☐
–retention? Yes ☐ No ☐
–dismissal? Yes ☐ No ☐
–fringe benefits? Yes ☐ No ☐

- Has a statement regarding agency compliance with Title IX requirements for nondiscrimination in employment been disseminated to all sources of employee recruitment or referral? Yes ☐ No ☐

- Have all application forms been reviewed and modified where necessary to ensure omission of questions regarding marital or parental status?* Yes ☐ No ☐

- Has a record of applicant flow for the past twelve months (persons who applied for positions, their relevant qualifications, and the employment decision made) been prepared and examined to determine whether all agency employment policies, criteria, and procedures are being applied in a nondiscriminatory fashion which complies with Title IX requirements? Yes ☐ No ☐

- Have all position descriptions, job classifications, and salary schedules been reviewed and modified as necessary:

  –to ensure job-relatedness of employment criteria? Yes ☐ No ☐
  –to ensure equity in job classifications? Yes ☐ No ☐
  –to ensure equity in compensation for comparable jobs? Yes ☐ No ☐

- Has a record of personnel receiving sabbatical leave benefits, training or educational opportunities, and financial support for travel, professional meetings, etc., been prepared and reviewed to determine whether policies, criteria and procedures regarding these employment benefits are applied in a nondiscriminatory fashion which complies with Title IX requirements? Yes ☐ No ☐

- Have all entities providing benefits to employees–medical, hospital, accident, life insurance, retirement or profit-sharing policies or plans–been notified of the agency's obligation to provide such benefits in a nondiscriminatory fashion which complies with Title IX requirements in these areas? Yes ☐ No ☐

- Have all such plans, policies and eligibility requirements therefor been modified where necessary to ensure compliance? Yes ☐ No ☐

- Have all contracts, collective bargaining and professional agreements been reviewed and modified where necessary to ensure compliance with the requirements of Title IX? Yes ☐ No ☐

- Has a grievance procedure been established for the handling and resolution of complaints of employment discrimination? Yes ☐ No ☐

- Has every building administrator submitted all required data and assurances to the central office according to the specified timeline? Yes ☐ No ☐

*Note: Such information may be collected for personnel management *after* employment.

EMPLOYMENT

Building Administrators (Principals/Supervisors)

Has a policy directive regarding the specific implications of Title IX for school employment (or employment-related) practices and procedures been developed and disseminated to all building staff? Yes ☐ No ☐

Have you requested that all building staff submit information concerning any instances of sex discrimination that they may identify in school employment (or employment-related) practices and procedures? Yes ☐ No ☐

Have you prepared the following and submitted them to the central administration according to the specified format and timelines:

–assurances that all recommendations/decisions relating to employee selection, compensation and/or promotion are made on the basis of non-discriminatory criteria as specified by the central administration and applied without regard to sex? Yes ☐ No ☐

–assurances that all recommendations/decisions regarding the assignment and compensation of staff for extra-duty functions are made on the basis of nondiscriminatory criteria as specified by the central administration and applied without regard to sex? Yes ☐ No ☐

–assurances that all recommendations/decisions regarding leave privileges are made on the basis of nondiscriminatory criteria as specified by the central administration and applied without regard to sex? Yes ☐ No ☐

–assurances that all decisions regarding room assignment, and access to and use of facilities and supplementary materials are made on the basis of specified criteria without regard to sex? Yes ☐ No ☐

EMPLOYMENT

Building Staff (Certificated and Classified)

- Have you familiarized yourself with the implications of Title IX for the employment policies and practices of your education agency/school? Yes ☐ No ☐

- Have all collective bargaining agreements, professional agreements, or contracts been reviewed and modified where necessary to ensure that all clauses are in compliance with Title IX requirements for nondiscrimination in employment? Yes ☐ No ☐

- Have you submitted to your building administrator (or employee representative) information concerning any instances of sex discrimination that you have identified in the employment policies and practices of your agency/school? Yes ☐ No ☐

PLANNING, CONDUCTING, AND REPORTING AN INSTITUTIONAL SELF-EVALUATION

The Title IX Regulation requirement for institutional self-evaluation will necessitate the development by every education agency of a systematic process for the assessment of compliance in its policies, programs and practices and the development and implementation of modifications and remedial steps to correct any instances of discrimination identified. The Regulation is unique in this requirement, which acknowledges the importance of local evaluation and planning in any education change process.

The institutional self-evaluation is important for several reasons:

- it affords education agencies an opportunity for the development or refinement of procedures and mechanisms which may be used for the continued monitoring of any education program;
- it ensures that education agencies and their students and employees are protected from unintentional sex discrimination which could result in Title IX violations;
- it provides an opportunity for informing all staff of Title IX requirements while involving them in the assessment and modification process.

Because of the importance of the process, the scope of the evaluation, and the numbers of personnel involved, it is critical that the institutional self-evaluation proceed in a systematic manner. It may be helpful to think of the institutional self-evaluation process in several stages:

- planning the evaluation process;
- collecting, synthesizing, and evaluating the data;
- implementing modifications and remedial steps;
- maintaining necessary records;
- monitoring progress of the evaluation and compliance program.

Planning the Evaluation Process

Planning is the basis for an effective evaluation and compliance program. It might be accomplished in the following sequence:

1) The areas to be evaluated must be delineated. Every education agency will differ in the specific areas which will need to be addressed. These should be identified during the first planning stage.

2) When the areas for evaluation have been identified, it will be desirable to designate an employee with knowledge, responsibility, and authority in each specific area to be examined. Such designations can assist in the distribution of responsibilities for coordination and maximize the involvement of personnel with expertise and involvement in ongoing agency program activities.

3) Specific criteria, procedures, formats and timelines must be developed for the evaluation and reporting of each area. These must be based upon the actual policies, programs, practices, and materials of the particular agency program. Cooperation between the Title IX coordinator and the employees designated in each evaluation area serves to increase the specificity of criteria and procedures developed and the data obtained.

4) The responsibilities of all staff in the evaluation process must be clarified, and all staff must be informed of their responsibilities. By developing procedures for increasing the numbers and diversity of staff involved, an education agency may broaden its data base for more effective evaluation and simultaneously educate its staff regarding the requirements for Title IX compliance. Providing such information is a critical step in ensuring nondiscrimination.

Collecting, Synthesizing and Evaluating the Data

As data are obtained from individual schools and/or individual staff members, they will need to be collected, synthesized and evaluated in order to identify areas of noncompliance and sources of discrimination and assess their prevalence throughout the education agency or their confinement to an individual school(s). Reports of the data synthesis must be prepared and disseminated to all staff with responsibility/authority for policy or program modification. In some circumstances, it may be desirable to prepare summaries of such reports for review by all area staff or other interested groups.

Implementing Modifications and Remedial Steps

When areas or instances of noncompliance are identified, modifications to ensure compliance must be implemented and remedial steps to correct the effects of such discrimination must be undertaken. All modifications or corrections of discriminatory policies or practices must be accomplished by July 21, 1976. Remedial steps which involve the development of special or continuing programs or publications need not be completed by this date, but specific plans and timelines for their accomplishment must be developed. To facilitate the implementation of either modifications or remedial steps, it is important to specify the action to be taken, staff accountability for its accomplishment, and the date(s) required for its completion.

Maintaining Necessary Records

Maintenance of records and documentation relating to all modifications and remedial steps taken for a three-year period is a requirement of the Title IX Regulation. The form of the records to be kept will be a function of the data requested and the procedures used for their collection. Maintenance of centralized records of Title IX evaluation and compliance efforts provides a data base for the planning, evaluation and revision of program efforts by administrative staff. It also provides a reference for the handling of inquiries regarding agency compliance and may be critical if allegations or complaints of noncompliance are filed with the Federal government. Such records are also the basis for the submission of the compliance assurances required with every application for Federal funding.

Monitoring the Evaluation and Compliance Program

Requirements for compliance with Title IX are ongoing: procedures and mechanisms must be developed for ensuring that policies, programs and practices are monitored on a continuing basis. Periodic reviews should be made and reports disseminated to governance, key administrators and relevant staff.

Every local education agency will need to adapt these suggested stages according to its particular organizational and procedural requirements and its compliance needs. Sample forms for the synthesis, reporting and monitoring of the evaluation and compliance programs follow on the last four pages. These forms may be used as a basis for the development of more individualized forms or they may be reproduced in whole or in part for agency use in their present form. They are designed to provide Title IX coordinators or administrators with a summary view of basic information regarding the progress of self-evaluation and compliance.

Compliance with Title IX is a continuing and complex process involving policy development, staff training, program implementation, evaluation, program revision, and ongoing monitoring and interpretation. Institutional self-evaluation provides an opportunity to plan, develop and accomplish these tasks in a systematic fashion. Its successful implementation can provide improved education for all students, more equal employment opportunities for education personnel, and mechanisms and procedures for more effective program evaluation and monitoring by education administrators.

INSTITUTIONAL SELF-EVALUATION
SUMMARY REPORT FORM

Compliance area: (taken from Regulation)

Staff member responsible for area coordination: (name, position, office address and telephone)

Policy statement issued: (date)

Policy directive issued: (date)

Data/assurances required

forms, procedures, and timelines issued: (date)

data/assurances received:
from central office staff member – (date)
from building administrators
(specify schools) – (date)

Noncompliance identified:

(list policies, practices or materials found to be in noncompliance)

Modifications taken:

(list any actions taken to correct noncompliance) (date completed)

Remedial steps taken or planned:

(list any actions taken to eliminate the effects of identified noncompliance) (date completed or of planned completion)

Comments:

INSTITUTIONAL SELF-EVALUATION—SUMMARY REPORT FORM

COMPLETED SAMPLE

Compliance area: Counseling

Staff member responsible for area coordination:
M. Ortega, Director of Counseling and Guidance
Administration Building, Room 401, 833-5426

Policy statement issued: December 1, 1975
Policy directive issued: February 1, 1976

Data/assurances required
forms, procedures and timelines issued: February 1, 1976
data/assurances received: (deadline—May 1, 1976)
from central office staff — March 20, 1976
from building administrators–
Reed Junior High School — April 1, 1976
Jefferson Junior High School — April 10, 1976
Stratford Junior High School — May 1, 1976
Central High School — March 31, 1976
West High School — May 1, 1976

Noncompliance identified:

Hedges Vocational Interest Blank currently in use has separate male and female scoring forms, each listing different occupations.

Choosing A Career, used for senior high school counseling, has only 4 females shown in illustrations while males are shown in 39. Females are shown only as nurses, teachers, and librarians; text refers to choosing a career which is compatible with responsibilities of motherhood.

Three of four counselors in Reed Junior High School routinely advise all female students to take one semester of personal typing before graduation. No such advice is given to male students.

Vocational education courses in every junior and senior high school have been found to have sexually disproportionate enrollments. Course descriptions in student course catalogs have been found to use stereotyped, sex-linked pronouns in referring to these courses (e.g., "he" when referring to auto mechanics students; "she" when referring to secretarial students).

Modifications taken:

As of March 1, 1976, the Hedges Vocational Interest Blank was replaced by the Martin Career Maturity Inventory.

Choosing A Career will be supplemented by **Career Decisions: Planning for Women**, until such time as a sound non-sexist career guidance volume can be identified.

A directive regarding legal responsibility for nondiscriminatory counseling has been disseminated to all counselors.

All student course catalogs are in the process of revision; all course descriptions will contain only gender-neutral labels at next publication, now scheduled for March, 1977.

Remedial steps taken or planned:

The following materials have been obtained for use by counselors:

Sex Fairness In Career Guidance: A Learning Kit (from Abt Associates Inc.)
Issues of Sex Bias and Sex Fairness in Career Interest Measurement (from the National Institute of Education)

An agency-wide, 2-day program, "Career Planning for Women," will be held on October 12, 1976.

Comments: Request for inservice training in non-sexist career counseling for all counselors is currently under consideration. Such training might be incorporated in inservice days scheduled for October 4-5, 1976.

TITLE IX COMPLIANCE–SUMMARY REPORT FORM **

Compliance Areas	Date of Policy Issuance	Self-Evaluation–Date Completed	Modifications Taken (Specify)	Remedial Steps (Specify)	Coordination/Implementation Responsibility (Specify Staff Name)	Comments
General Requirements						
• notification of policy						
• designation of responsible employee(s)						
• development of grievance procedures						
• institutional self-evaluation						
• submission of assurances						
Admissions						
• schools of vocational education						
Student Program						
• access to courses						
–general –physical education –vocational education						
• counseling						
• treatment of students						
• student marital and parental status						
• financial assistance						
• athletics						
Employment						
• recruitment						
• hiring and promotion						
• compensation						
• job assignment/classification						
• collective bargaining agreements						
• leaves of absence						
• benefits and training						

*** This form is an implementation aid provided for use or adaptation; it is not the official reporting form to be issued by the Office for Civil Rights, HEW.*